

HIGH COURT OF AUSTRALIA

JAGOT J

IN THE MATTER OF AN APPLICATION BY
MARTIN OTTO WATERHOUSE FOR LEAVE TO
ISSUE OR FILE

[2024] HCASJ 12

Date of Judgment: 22 February 2024

S21 of 2024

ORDERS

- 1. The application filed on 24 January 2024 for leave to issue or file an application for a constitutional or other writ dated 21 December 2023 be determined without listing the application for hearing.*
- 2. The application be dismissed.*

Representation

The applicant is unrepresented

1 JAGOT J. On 4 January 2024, Beech-Jones J made a direction under r 6.07.2 of the *High Court Rules 2004* (Cth) that the Registrar refuse to issue or file an application by the applicant for a constitutional or other writ without leave of a Justice first had and obtained. This is an ex parte application, filed on 24 January 2024 under r 6.07.3 of the *High Court Rules*, seeking such leave. This application is supported by an affidavit sworn by the applicant on 17 January 2024. These reasons explain why the application for leave is dismissed.

2 The proposed defendants are the "Chief Administrative Officer of the High Court of Australia" and the "Commonwealth Attorney General". The relief sought includes both a "declaration that the High Court of Australia is the only court with jurisdiction to determine the [applicant's] claims for justice" and a declaration that, "notwithstanding the fact that the High Court of Australia is the only court with jurisdiction, nonetheless the High Court and each of its member judges are disqualified from dealing with the case for reasons of self-interest and accordingly the Court cannot determine any issues about the [applicant's] matters unless ... 'special arrangements' [are] made for the Governor General to appoint suitably qualified and truly independent and impartial jurists from outside the jurisdiction as acting High Court justices to determine ... the [applicant's] case".

3 It appears that the essence of the applicant's complaint is that he has been prevented from filing his claims pursuant to r 6.07.2 of the *High Court Rules*. The applicant considers that he has been prevented from filing these claims by reason of a conspiracy "to defraud and pervert justice" involving the Justices and officers of this Court. From the supporting affidavit – which is 750 pages in length – the applicant says he is a lawyer of 47 years standing and contends that "sinister motives" have sought to "deny [him his] rights [and] prevent [his] claims from ever being scrutinised in public by a truly independent and impartial court".

4 An attached writ of summons names 15 proposed defendants, including the Commonwealth, the Attorney-General of the Commonwealth, the Commonwealth Director of Public Prosecutions, the State of New South Wales, the Attorney-General for the State of New South Wales, the New South Wales Office of the Director of Public Prosecutions, as well as both the Australian Federal Police and New South Wales Police Force. The relief claimed appears to relate to, amongst other things, proceedings in the Equity Division of the Supreme Court of New South Wales between 1989 and 1992, a complaint to the Independent Commission Against Corruption ("ICAC") commenced in or about 1999, judicial review proceedings in the Supreme Court of New South Wales commenced in or about 2001, subsequent complaints to ICAC between 2004 and 2012, judicial review proceedings in the Supreme Court of New South Wales commenced in or about 2013, and applications for leave to appeal and special leave to appeal to the Court of Appeal of the Supreme Court of New South Wales and this Court respectively in 2015 and 2016.

2.

5 Apart from the applicant's sweeping allegations of corruption and conspiracies, and the applicant's manifest long-held sense of profound grievance, the material in support of the application does not disclose any legally intelligible claim or any meaningful legal or factual foundation for any claim. The application, on its face, exposes that it is both frivolous and vexatious and, accordingly, an abuse of process.

6 For these reasons, the application for leave to issue or file an application for a constitutional or other writ dated 24 January 2024 must be dismissed.