

# HIGH COURT OF AUSTRALIA

BEECH-JONES J

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IN THE MATTER OF AN APPLICATION BY ANNA  
LAVERACK FOR LEAVE TO ISSUE OR FILE (NO  
2)

[2024] HCASJ 14  
*Date of Judgment: 29 February 2024*  
S168 of 2023

## ORDER

- The application entitled "Application - Ex Parte" dated 22 February 2024 is dismissed without an oral hearing.*

## Representation

The applicant is unrepresented



1 BEECH-JONES J. On 1 February 2024, I refused an application made by Ms Anna Laverack pursuant to r 6.07.3 of the *High Court Rules 2004* (Cth) for leave to file or issue an application for a constitutional or other writ. The reasons for that refusal were published, including on the High Court's website.<sup>1</sup> Ms Laverack was described as the applicant in those reasons.

2 On or about 22 February 2024, Ms Laverack applied for orders restricting the identification of her identity in relation to her proceedings in this Court, including an order that she be referred to by a pseudonym. In effect, Ms Laverack seeks either a "suppression order" or a "non-publication order" under s 77RE of the *Judiciary Act 1903* (Cth).

3 Section 77RF of the *Judiciary Act* provides:

(1) The High Court may make a suppression order or non-publication order on one or more of the following grounds:

- (a) the order is *necessary* to prevent prejudice to the proper administration of justice;
- (b) the order is *necessary* to prevent prejudice to the interests of the Commonwealth or a State or Territory in relation to national or international security;
- (c) the order is *necessary* to protect the safety of any person;
- (d) the order is *necessary* to avoid causing undue distress or embarrassment to a party to or witness in a criminal proceeding involving an offence of a sexual nature (including an act of indecency)." (emphasis added)

4 In determining whether to make a suppression order or non-publication order, the Court "must take into account that a primary objective of the administration of justice is to safeguard the public interest in open justice".<sup>2</sup> To that end, the word "necessary" in each sub-section of s 77RF(1)(a)-(d) is a strong word;<sup>3</sup> it is stronger than "appropriate" or "desirable".

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1 *In the matter of an application by Anna Laverack for leave to issue or file* [2024] HCASJ 3.

2 *Judiciary Act 1903* (Cth), s 77RD.

3 *Hogan v Australian Crime Commission* (2010) 240 CLR 651 at 664 [30] per French CJ, Gummow, Hayne, Heydon and Kiefel JJ.

5 Ms Laverack contends that the orders sought should be made on the grounds that they are necessary for the protection of her safety (s 77RF(1)(c)) and to prevent prejudice to the proper administration of justice (s 77RF(1)(a)). In her application, Ms Laverack notes that an interim non-publication order has been made in related proceedings in the Federal Court of Australia. In an affidavit accompanying the application affirmed on 22 February 2024, Ms Laverack states that the application for a non-publication order is "pending" in the Federal Court. Ms Laverack contends that the subject matter of those proceedings indicates that the orders are necessary for her safety and the prevention of undue distress or embarrassment. Ms Laverack also contends that she is a "special witness" within the meaning of s 15YAB(1) of the *Crimes Act 1914* (Cth) based on supposed acts of intimidation carried out against her, which are the subject of the Federal Court proceedings. Section 15YAB is only applicable in proceedings for a Commonwealth offence.<sup>4</sup>

6 Ms Laverack did not seek a pseudonym order or anything similar when she applied for leave under r 6.07.3. The reasons for the refusal of that application have been published for weeks. In her statement of claim filed in the Federal Court, Ms Laverack alleges that since 2017, the Commonwealth and the State of New South Wales have conducted a "law enforcement-controlled operation" involving continuous surveillance of her for 24 hours a day and 7 days a week along with a campaign of sustained harassment.<sup>5</sup> There was no evidence adduced on the application for leave under r 6.07.03 or this application to support the claims of harassment. However, even if the claims were correct, Ms Laverack would not be protected by the orders sought as it is likely that the persons who Ms Laverack asserts carried out that campaign would now be aware of the claims she has made. In any event, if she was allowed to persist with her proceedings in the Federal Court, then her proceedings would have to be served on the Commonwealth and State of New South Wales, which would reveal her claims to those persons she asserts have harassed her. Otherwise, neither these proceedings nor the proceedings pending in the Federal Court are proceedings for a Commonwealth offence.

7 Having regard to the public interest in open justice, I am not satisfied that it is necessary to make any of the orders sought by Ms Laverack. Her application is dismissed.

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4 *Crimes Act 1914* (Cth), s 15YAB(1).

5 *In the matter of an application by Anna Laverack for leave to issue or file* [2024] HCASJ 3 at [4].