

# HIGH COURT OF AUSTRALIA

GORDON J

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IN THE MATTER OF AN APPLICATION BY  
BASIL JOHN PUGLIA AND CONCETTA PUGLIA FOR  
LEAVE TO ISSUE OR FILE

[2024] HCASJ 22  
*Date of Judgment: 6 June 2024*  
P19 of 2024

## ORDER

- 1. The ex parte application for leave to issue or file the application for removal is refused.*

### Representation

The applicants are unrepresented.



1 GORDON J. This is an *ex parte* application for leave to issue or file an application for removal dated 27 March 2024. On 28 March 2024, Jagot J directed that, pursuant to r 6.07.2 of the *High Court Rules 2004* (Cth), the application for removal was not to be issued or filed without the leave of a Justice first had and obtained by the applicant. This application for leave to issue or file that application is supported by an affidavit sworn by the second applicant on 18 April 2024 and a notice of a constitutional matter under s 78B of the *Judiciary Act 1903* (Cth) dated 29 May 2024 ("the s 78B Notice"). I have read the second applicant's affidavit, which also effectively includes the applicants' submissions, and the s 78B Notice.

2 The proposed application seeks an order under s 40 of the *Judiciary Act 1903* (Cth) for removal of the whole of the cause now pending in the Supreme Court of Western Australia (Proceeding No. CIV 1682 of 2022 between *Westpac Banking Corporation* (ACN 007 457 141) v *Basil John Puglia and Concetta Puglia*).

3 Neither the application for removal nor the s 78B Notice raises any real issue arising under the *Constitution* or involving its interpretation. They do not disclose any arguable basis for the relief sought. In any event, this Court should not fragment the orderly progression of the proceedings. Pursuant to r 13.03.1 (read with r 6.07.2) of the *High Court Rules*, I direct that the *ex parte* application for leave to issue or file the application for removal be determined without an oral hearing. The *ex parte* application for leave to issue or file the application for removal is refused.