

HIGH COURT OF AUSTRALIA

BEECH-JONES J

IN THE MATTER OF AN APPLICATION BY ANNA
LAVERACK FOR LEAVE TO ISSUE OR FILE

[2024] HCASJ 3
Date of Judgment: 1 February 2024
S168 of 2023

ORDER

- The application for leave to file or issue the document entitled "Application for a Constitutional or Other Writ" dated 14 December 2023 is dismissed without an oral hearing.*

Representation

The applicant is unrepresented

1 BEECH-JONES J. This is an application for leave to file or issue an application
for a constitutional or other writ. For the reasons that follow, leave should be
refused.

2 On or about 14 December 2023, the applicant, Anna Laverack, sought to
file or issue an application for a constitutional or other writ. On 18 December 2023,
Jagot J directed the Registrar of this Court to refuse to issue or file that document
without the leave of a Justice first had and obtained by the party seeking to issue
or file it.¹ Ms Laverack then sought that leave.² She relies on an affidavit affirmed
by her on 14 December 2023.

3 Proposed order 1 of the application seeks orders against the Commonwealth
of Australia (the "Commonwealth") and the State of New South Wales (the
"State") to the effect of preventing them from "interven[ing]" in certain
proceedings commenced by Ms Laverack in the Federal Court of Australia as part
of any attempt to "frustrate or obstruct" those proceedings. This prayer also seeks
orders that the Commonwealth and the State not communicate with the Judges of
the Federal Court in Ms Laverack's absence or without her consent. Proposed
order 2 seeks orders against the Judges of the Federal Court in relation to the
conduct of those proceedings, including that they also not "frustrate or obstruct"
the proceedings nor communicate with the Commonwealth or the State in Ms
Laverack's absence or without her consent. Proposed order 3 seeks similar orders
against the Chief Justice of the Federal Court as well as an order preventing her
Honour from assigning any Judge to hear the proceedings. Proposed order 4 seeks
an order directing the Chief Justice of the Federal Court to grant Ms Laverack a
pseudonym order. Proposed order 5 seeks an order directing the Judges of the
Federal Court to expedite the proceedings.

4 The balance of the application sought to be filed or issued in this Court
describes the proceedings that Ms Laverack states she commenced in March 2023
in the Federal Court. She states that the statement of claim filed in the Federal
Court alleges that since 2017, the Commonwealth and the State 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. Ms Laverack states that she has not served the application or statement
of claim commencing those proceedings because she has an outstanding
application for a pseudonym order. Ms Laverack asserts that Judges of the Federal
Court had conversations with the defendants to those proceedings and colluded
with them to frustrate their conduct. She asserts that they have no intention of
affording her a "fair trial".

1 *High Court Rules 2004* (Cth), r 6.07.2.

2 *High Court Rules 2004* (Cth), r 6.07.3.

5 Ms Laverack repeats and expands upon these assertions in her affidavit. Amongst other matters, she asserts that the Federal Court copied "elements of actions from what [she] had described others had done to [her] in the past and redeploy[ed] them with malice". The material referred to in her affidavit provides no support for that assertion. As evidence of the harassment she alleges to have suffered, Ms Laverack annexed copies of newspaper articles said to demonstrate "[a] constant barrage of negative innuendo... projected at [her]". Ms Laverack is not referred to in any of those articles.

6 The principles governing the discretion to refuse leave to issue or file a document were set out by Gageler J (as his Honour then was) in *Re Young*:³

"The discretion to refuse leave on an application made under r 6.07.3 of the *High Court Rules* falls to be exercised by a Justice by reference to the same criteria as those which inform the action of the Registrar under r 6.07.1. The discretion will ordinarily be exercised to refuse leave to issue or file a document where the document appears to the Justice determining the application 'on its face' to be an abuse of the process of the Court, to be frivolous or vexatious or to fall outside the jurisdiction of the Court.

As Edelman J has recently emphasised, it is implicit in the requirement that a document the subject of an application under r 6.07.3 be considered 'on its face' that the application falls to be determined without an oral hearing. Unlike an interlocutory application governed by Pt 13 of the *High Court Rules*, in respect of which r 13.03.1 provides that the Court or a Justice may direct that the application is to be determined without listing it for hearing, no direction of a Justice is needed for an application under r 6.07.3 to be determined without listing it for hearing.

The concept of abuse of process cannot be confined within closed categories. Sufficiently for present purposes, it encompasses an attempt to invoke the original or appellate jurisdiction of the High Court on a basis that is confused or manifestly untenable. Needless to say, exercise of the discretion to nip a proceeding in the bud is appropriate only in the clearest of cases." (citation omitted)

7 The proceedings that Ms Laverack seeks to commence in this Court are clearly an abuse of process, frivolous and vexatious. There is no basis in law for making orders directed to the Commonwealth, the State of New South Wales, all the Judges of the Federal Court as well the Chief Justice of the Federal Court to the effect that they not communicate with each other except in Ms Laverack's presence or with her knowledge. The material provided in Ms Laverack's affidavit does not provide any support for her allegations of collusion and conspiracy to

3 (2020) 94 ALJR 448 at 451; 376 ALR 567 at 570 [11]-[13].

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frustrate the proceedings she commenced in the Federal Court. Those allegations are "scandalous" (although it is not necessary to order the removal of her application to this Court or her affidavit from the file).⁴ If granted, the orders Ms Laverack seeks would improperly and egregiously interfere with the Federal Court's management and determination of the proceedings she commenced in that Court, and the management of that Court by its Chief Justice.⁵

8 The application for leave to file or issue the document entitled "Application for a Constitutional or Other Writ" dated 14 December 2023 is dismissed without an oral hearing.

4 *High Court Rules 2004* (Cth), r 6.05.

5 *Federal Court of Australia Act 1976* (Cth), s 15.