

*FULTON*  
v  
*CHIEF OF DEFENCE FORCE*  
[2024] HCASL 11  
B51/2023

1           The applicant seeks special leave to appeal from orders of the Full Court of the Federal Court of Australia (SC Derrington and Stewart JJ, Logan J dissenting) dismissing an appeal from orders of Perry J dismissing the applicant's application for judicial review of a decision made by a delegate of the respondent, the Chief of the Defence Force, to terminate his service in the Australian Defence Force pursuant to s 24(1)(c) of the *Defence Regulation 2016* (Cth) on the ground that the retention of the applicant's service was not in the interests of the Australian Defence Force.

2           The special leave application does not identify a question of law of public importance and has insufficient prospects of success to warrant a grant of special leave.

3           Special leave to appeal is refused with costs.

Gageler CJ  
Gordon J  
Edelman J  
Steward J  
Gleeson J  
Jagot J  
Beech-Jones J

8 February 2024