HIGH COURT OF AUSTRALIA

JAGOT J

IN THE MATTER OF AN APPLICATION BY
KESTER MIRANDA FOR LEAVE TO ISSUE OR
FILE

[2025] HCASJ 18
Date of Judgment: 4 June 2025
P12 of 2025

ORDER

1. The ex parte application filed on 12 May 2025 for leave to issue or file a writ of summons dated 17 April 2025 is dismissed.

Representation

The applicant is unrepresented

1 JAGOT J. By ex parte application filed on 12 May 2025 the applicant, Kester Miranda, seeks leave to issue or file a writ of summons dated 17 April 2025 against Australia and New Zealand Banking Group Limited ("ANZ") as the defendant. Leave is required because on 22 April 2025, pursuant to r 6.07.2 of the *High Court Rules 2004* (Cth), Steward J directed the Registrar to refuse to issue or file the writ of summons without the leave of a Justice first had and obtained by the party seeking to issue or file it.

2 The writ alleges that ANZ, amongst other things, "[f]orcibly renewed" the applicant's term deposit of $380,000 for 11 months, instead of 1 month, in contravention of numerous statutory and common law obligations. The applicant seeks damages from ANZ.

3 For the following reasons leave to file the writ should be refused without listing the application for hearing.

4 The discretion to refuse leave to file a writ or other document commencing a proceeding "will ordinarily be exercised ... 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". Given that the writ or other document is to be considered "on its face", it is implicit that the application for leave is to be determined without an oral hearing.[1]

5 The writ refers to numerous communications between the applicant and ANZ about his term deposit between 2014 and 2024. The applicant's allegations against ANZ include fraud, bullying and harassment, unfair business practices, discrimination, breaches of contract, promise, trust and fiduciary duty, unconscionable conduct, abuses of power and perversions of the course of justice in respect of the term deposit, as well as a series of related complaints by the applicant to the Australian Financial Complaints Authority allegedly improperly dismissed due to ANZ's alleged misconduct.

6 The writ is lengthy and bordering on the impossible to follow. No specific cause of action on which the applicant relies can be identified. Nor are the facts said to give rise to any such cause of action apparent. The writ, in substance, appears to be a summary of every grievance that the applicant has against ANZ based on years as an ANZ customer. None of the claims, nor anything else in the writ or the applicant's supporting affidavit, reveal any intelligible basis upon which the relief sought could be granted.

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1 *Re Young* (2020) 94 ALJR 448 at 451 [11]-[12]; 376 ALR 567 at 570, referring *High Court Rules 2004* (Cth), rr 6.07.1-6.07.3.

7 The proposed writ is frivolous and vexatious on its face, involving an abuse of process if permitted to be filed.

8 The applicant's ex parte application filed 12 May 2025 for leave to issue or file the proposed writ of summons is therefore dismissed.