

HIGH COURT OF AUSTRALIA

GLEESON J

IN THE MATTER OF AN APPLICATION BY
STEPHEN GROOM FOR LEAVE TO ISSUE OR FILE

[2025] HCASJ 19
Date of Judgment: 29 July 2025
A16 of 2025

ORDER

- The application filed on 27 June 2025 for leave to issue or file the application for a constitutional or other writ dated 27 May 2025 is refused.*

Representation

The applicant is unrepresented

1 GLEESON J. By application filed on 27 June 2025, Mr Groom seeks leave, on
an ex parte basis, to issue or to file a document pursuant to r 6.07.3 of the *High
Court Rules 2004* (Cth) ("the Rules"). The document is an application for a
constitutional or other writ directed to the "Chief Registrar of the High Court of
Australia". Leave is necessary because of a direction made by Gordon J on 6 June
2025 pursuant to r 6.07.2 of the Rules that the Registrar of this Court is to refuse
to issue or file that document without first having and obtaining the leave of a
Justice of this Court.

2 The application complies with r 6.07.3 and is supported by two affidavits
sworn by Mr Groom and filed on 27 June 2025 and 4 July 2025 respectively. I
have read both affidavits.

3 For the following reasons, leave to file the proposed application should be
refused without listing the application for an oral hearing.

The relevant principles

4 The discretion to refuse the leave sought is to be exercised by reference to
the criteria set out in r 6.07.1, namely whether the proposed application "appears
... '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".¹ Implicit in the requirement that a
document the subject of an application under r 6.07.3 be considered "on its face"
is that such an application falls to be determined on the papers,² that is, without an
oral hearing. While there are no "closed categories" of what amounts to an abuse
of process, that concept captures attempts to invoke the jurisdiction of the Court
on bases that are confused or manifestly untenable.³

Consideration

5 The proposed application is improperly constituted, because the "Chief
Registrar of the High Court of Australia" is a non-existent person, and no relief
could be granted against that defendant.⁴

6 Further, the principal relief sought by the proposed application comprises a
writ of mandamus directed to "the Registrar" of the High Court. That is also a non-

1 *Re Young* (2020) 94 ALJR 448 at 451 [11]; 376 ALR 567 at 570.

2 *Re Young* (2020) 94 ALJR 448 at 451 [12]; 376 ALR 567 at 570.

3 *Re Young* (2020) 94 ALJR 448 at 451 [13]; 376 ALR 567 at 570.

4 *cf High Court of Australia Act 1979* (Cth), ss 18 and 26(1); *Maritime Services Board
of New South Wales v Australian Chamber of Shipping* [1977] 1 NSWLR 648 at
659.

2.

existent person,⁵ so that no relief could be granted in the terms of the principal relief sought.

7 The proposed writ of mandamus seeks to have a "written request for judicial direction dated 16 May 2025" placed before a Justice of this Court. Mr Groom's affidavit filed on 4 July 2025 annexes a letter dated "16 May 2015", addressed to the Deputy Registrar, and entitled "Request for Judicial Direction — Uncertain Jurisdiction Due to Absence of Complainant and Respondent". That letter refers to an intended application "challenging the validity of a Domestic Violence Order originally issued by the Magistrates Court of South Australia". The letter states a request:

"... that this matter be placed before a Justice of the Court to determine:

- Whether I may file an application (seeking a declaration or constitutional relief) in the absence of a named respondent at this stage, or
- Whether the Court can otherwise provide direction on how I may proceed lawfully and fairly in light of this unique obstruction."

8 The facts that Mr Groom identifies as "this unique obstruction" are set out in the letter.

9 There is no arguable basis for a writ of mandamus in the terms sought, directed to any person or for any of the other ancillary relief sought. Mr Groom's request is not capable of engaging the jurisdiction of this Court. Accordingly, the proposed application is "manifestly untenable" on its face and should be refused.⁶

Disposition

10 The application dated 27 June 2025 for leave to issue or file the application for a constitutional or other writ dated 27 May 2025 is refused.

5 cf *High Court of Australia Act 1979* (Cth), ss 4 (definitions of "Deputy Registrar" and "Senior Registrar"), 18 and 26(1).

6 *Re Young* (2020) 94 ALJR 448 at 451 [13]; 376 ALR 567 at 570.