

HIGH COURT OF AUSTRALIA

STEWARD J

Matter No S128/2024

SAJJAD NASIR PLAINIFF

AND

THE FEDERAL COURT OF AUSTRALIA & ORS DEFENDANTS

Matter No S145/2024

SAJJAD NASIR PLAINIFF

AND

AMBER MILLHOUSE, DEPUTY PRESIDENT FAIR
WORK COMMISSION & ORS DEFENDANTS

Matter No S155/2024

SAJJAD NASIR PLAINIFF

AND

SYDNEY BIRCHALL, REGISTRAR FEDERAL
COURT OF AUSTRALIA (NSW REGISTRY) & ORS DEFENDANTS

Matter No S16/2025

SAJJAD NASIR PLAINIFF

AND

KATARINA CVITKOVIC – MANAGER
COMPLIANCE, INFORMATION AND PRIVACY
COMMISSION NSW & ORS DEFENDANTS

ORDERS

Matter No S128/2024

1. *The plaintiff's amended application for a constitutional or other writ filed on 17 October 2024 is summarily dismissed as an abuse of process pursuant to rr 25.09.3(b) and 28.01.2(c) of the High Court Rules 2004 (Cth).*
2. *All interlocutory applications filed by the plaintiff are dismissed.*

Matter No S145/2024

1. *The plaintiff's amended application for a constitutional or other writ filed on 23 December 2024 is summarily dismissed as an abuse of process pursuant to rr 25.09.3(b) and 28.01.2(c) of the High Court Rules 2004 (Cth).*
2. *All interlocutory applications filed by the plaintiff are dismissed.*

Matter No S155/2024

1. *The plaintiff's application for a constitutional or other writ filed on 13 December 2024 is summarily dismissed as an abuse of process pursuant to rr 25.09.3(b) and 28.01.2(c) of the High Court Rules 2004 (Cth).*
2. *All interlocutory applications filed by the plaintiff are dismissed.*

Matter No S16/2025

1. *The plaintiff's application for a constitutional or other writ filed on 28 January 2025 is summarily dismissed as an abuse of process pursuant to rr 25.09.3(b) and 28.01.2(c) of the High Court Rules 2004 (Cth).*
2. *All interlocutory applications filed by the plaintiff are dismissed.*

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3. *The plaintiff is to pay the first, fifth, sixth, seventh, ninth, tenth, thirteenth and fourteenth defendants' costs of and incidental to the proceeding.*
4. *The name of the fifth defendant is amended from "Louis Clegg, Registrar, NSW Civil and Administrative Tribunal" to "Louise Clegg, Registrar of the Civil and Administrative Tribunal".*
5. *The name of the sixth defendant is amended from "Department of Customer Services, State of NSW" to "Department of Customer Service".*
6. *The name of the eighth defendant is amended from "Theresa Simmon, Member, NSW Civil and Administrative Tribunal" to "Theresa Simon, Member, Civil and Administrative Tribunal".*

Representation

The plaintiff in all matters is unrepresented

The fifth defendant in S145/2024 is represented by Crown Solicitor for NSW

The first, fifth to seventh, ninth, tenth, thirteenth and fourteenth defendants in S16/2025 are represented by Crown Solicitor for NSW

Submitting appearances for the first defendant in S128/2024 and the first and sixth defendants in S145/2024

No appearance for the second to fourth defendants in S128/2024, the second to fourth defendants in S145/2024, the first to fifth defendants in S155/2024 and the second to fourth, eighth, eleventh and twelfth defendants in S16/2025

1 STEWARD J. The plaintiff (Mr Sajjad Nasir, who is self-represented) has commenced four interrelated proceedings in this Court – being those numbered: S128/2024; S145/2024; S155/2024; and S16/2025. In each of the four proceedings, the plaintiff's principal claim for relief comprises an originating application for a constitutional or other writ.

2 For the reasons outlined below, each of the plaintiff's originating applications for a constitutional or other writ in these four proceedings is an abuse of process, in that each seeks to invoke this Court's original jurisdiction "on a basis that is confused or manifestly untenable".¹ Accordingly, it is appropriate to summarily dismiss each originating application pursuant to rr 25.09.3(b) and 28.01.2(c) of the *High Court Rules 2004* (Cth) ("the Rules").

3 The plaintiff has also filed 37 interlocutory applications in these four proceedings, seeking a broad range of orders. For the reasons outlined below, those interlocutory applications must also be dismissed.

4 None of the plaintiff's applications in these four proceedings have been listed for hearing. Pursuant to rr 25.09.1 and 13.03.1 of the *Rules*, it is open to this Court to determine both the originating applications for a constitutional or other writ and the interlocutory applications without an oral hearing. In the present circumstances, it is appropriate that each of the plaintiff's applications be dismissed without an oral hearing.

5 The plaintiff's present claims in this Court are, as explained below, only the very latest in a long series of vexatious disputes and complaints agitated by the plaintiff across multiple forums. In the circumstances – and in particular for the reasons outlined below at [79]-[83] – the plaintiff should regard himself as on notice that the filing of further vexatious applications in this Court may prompt serious consideration as to the making of a vexatious proceedings order against him pursuant to s 77RN the *Judiciary Act 1903* (Cth) ("the *Judiciary Act*").

Background

6 Between 8 August 2019 and 4 November 2022, the plaintiff was employed by Oracle Corporation Australia Pty Ltd ("Oracle") as a data technician.² The plaintiff's employment with Oracle was terminated and he signed an agreement which released Oracle, its related corporations and employees from any liability ("the Release").³

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

2 *Nasir v Reynolds* [2024] FCA 1027 at [1].

3 *Nasir v Reynolds* [2024] FCA 1027 at [2].

7 In the years since his employment with Oracle came to an end, the plaintiff has advanced a multitude of related disputes and complaints across a range of forums. The plaintiff's present applications in this Court arise from a subset of those disputes and complaints, which may be broadly summarised as follows.⁴

Federal Court of Australia proceedings

Federal Court proceeding (NSD431/2024)

8 On 10 April 2024, the plaintiff commenced proceeding NSD431/2024 in the Federal Court of Australia – brought under the *Australian Human Rights Commission Act 1986* (Cth) ("the *AHRC Act*") – seeking an extension of time to commence an application alleging that certain respondents had engaged in unlawful discrimination under the *Racial Discrimination Act 1975* (Cth) ("the *RDA*"). The plaintiff named over 20 respondents to this proceeding, including: the Commonwealth of Australia; the Director of Public Prosecutions; the Commonwealth Attorney-General; the Attorney-General of New South Wales; the Australian Prime Minister and Cabinet Office; the Independent Commission Against Corruption; and the New South Wales Civil and Administrative Tribunal.⁵ Prior to commencing proceeding NSD431/2024, the plaintiff had made a related complaint to the Australian Human Rights Commission ("the AHRC"), which was terminated without enquiry pursuant to ss 46PF(1)(b) and 46PH(1B)(b) of the *AHRC Act*.⁶ A key reason for the AHRC terminating the complaint was that the plaintiff had signed the Release.⁷

9 On 17 May 2024 – following the plaintiff filing no less than 25 interlocutory applications in proceeding NSD431/2024 – Stewart J made orders providing, inter alia, that on 11 June 2024 the plaintiff appear before the Federal Court and show cause why each of the interlocutory applications should not be (a) stayed pending the grant of leave to make the principal application; and/or (b) dismissed on one or more of several identified grounds.⁸

4 The following is by no means an exhaustive summary of all proceedings agitated across different forums by the plaintiff.

5 *Nasir v Reynolds (Vexatious Proceedings Order)* [2024] FCA 1194 at [23].

6 *Nasir v Reynolds* [2024] FCA 1027 at [2]; *Nasir v Reynolds (Vexatious Proceedings Order)* [2024] FCA 1194 at [24].

7 *Nasir v Reynolds* [2024] FCA 1027 at [2].

8 *Nasir v Reynolds (Vexatious Proceedings Order)* [2024] FCA 1194 at [25].

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On 7 June 2024 (i.e. prior to the show cause hearing on 11 June 2024), the plaintiff filed a notice of discontinuance in proceeding NSD431/2024, unconditionally withdrew "the whole of the application", and made an apology.⁹

Federal Court proceedings (NSD725/2024) and (VID701/2024)

On 6 June 2024 (i.e. shortly prior to discontinuing proceeding NSD431/2024), the plaintiff commenced proceeding NSD725/2024 in the Federal Court. In that proceeding, the plaintiff's claim was also brought under the *AHRC*, and alleged that Oracle and two of its officers (together, the "Three Oracle Defendants") had engaged in unlawful discrimination under the *RDA*.¹⁰

On 11 July 2024, Lee J conducted a case management hearing, at which his Honour ordered that a separate question – whether the Release was a complete defence to the relief sought – be heard and determined separately before any other issue in the proceeding.¹¹

Shortly thereafter, the plaintiff commenced proceeding VID701/2024 in the Federal Court, in which he sought leave to appeal from Lee J's orders of 11 July 2024. The plaintiff also filed an interlocutory application seeking a stay of Lee J's orders of 11 July 2024 – principally on the basis that he had made the application for leave to appeal, and the stay of the orders was necessary to "preserve the subject matter of the appeal".¹² Wigney J determined both applications as follows:

- (a) on 1 August 2024, Wigney J dismissed the plaintiff's stay application, for reasons later published on 5 August 2024 in *Nasir v Reynolds (stay application)*;¹³ and
- (b) on 5 August 2024, Wigney J dismissed the plaintiff's leave to appeal application, for reasons published in *Nasir v Reynolds (Application for leave to appeal)*.¹⁴

⁹ *Nasir v Reynolds (Vexatious Proceedings Order)* [2024] FCA 1194 at [26], [48].

¹⁰ *Nasir v Reynolds* [2024] FCA 1027 at [2].

¹¹ *Nasir v Reynolds* [2024] FCA 1027 at [3].

¹² *Nasir v Reynolds (stay application)* [2024] FCA 864 at [8]-[9].

¹³ [2024] FCA 864.

¹⁴ [2024] FCA 865.

14 Accordingly, the separate question proceeded to hearing before Lee J on 8 August 2024.¹⁵ On 5 September 2024, Lee J delivered judgment on the separate question in *Nasir v Reynolds*.¹⁶ His Honour held that the Release was a complete defence to the plaintiff's claims,¹⁷ and accordingly, ordered that the proceeding be dismissed.¹⁸ In parallel, his Honour also formed the preliminary view that it may be appropriate to make a vexatious proceedings order in relation to the plaintiff pursuant to s 37AO of the *Federal Court of Australia Act 1976* (Cth) ("the *FCA Act*").¹⁹

15 On 20 September 2024, the plaintiff applied for an extension of time and leave to appeal from Lee J's orders of 5 September 2024 (in doing so commencing proceeding NSD1340/2024).²⁰ That application was listed for hearing before the Full Court of the Federal Court on 21 August 2025. However, on 27 June 2025, the Full Court (Bromwich, Needham and Younan JJ) ordered that the plaintiff's application be dismissed with costs, on the basis of his non-compliance with the Court's timetabling orders of 6 May 2025.

16 On 15 October 2024 – after giving the plaintiff an opportunity both to file any material upon which he intended to rely and request an oral hearing – Lee J ordered, pursuant to s 37AO(2)(b), that the plaintiff be prohibited from instituting proceedings in the Federal Court without making an application for leave to institute proceedings in accordance with s 37AR of the *FCA Act*. His Honour's reasons for making that order were published in *Nasir v Reynolds (Vexatious Proceedings Order)*.²¹ I will return to address that order and his Honour's reasons in that respect in further detail below.

Fair Work Commission proceedings (C2023/1822) and (C2024/277)

17 On 30 March 2023, the plaintiff commenced proceeding C2023/1822 against Oracle in the Fair Work Commission ("the FWC") by way of an application

15 *Nasir v Reynolds* [2024] FCA 1027 at [6].

16 [2024] FCA 1027.

17 *Nasir v Reynolds* [2024] FCA 1027 at [54].

18 *Nasir v Reynolds* [2024] FCA 1027 at [57].

19 *Nasir v Reynolds* [2024] FCA 1027 at [66].

20 *Nasir v Reynolds (Vexatious Proceedings Order)* [2024] FCA 1194 at [33], [65].

21 [2024] FCA 1194. His Honour specified (at [65]) that the vexatious proceedings order would not disturb the plaintiff's extant application for leave to appeal from his Honour's previous orders of 5 September 2024.

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pursuant to s 365 of the *Fair Work Act 2009* (Cth) ("the *FWA*"). Therein the plaintiff alleged that he was dismissed by Oracle in contravention of the general protections provisions in Part 3-1 of the *FWA*.²²

18 In accordance with the FWC's case management practices at the time, a conciliation conference was listed before the FWC on 9 May 2023. A notice of listing outlining the details of the conciliation conference was issued on 19 April 2023.²³ The matter did not settle at the conciliation conference, and accordingly, the FWC sent an email to the parties indicating that the application would be referred to a member of the FWC to determine certain jurisdictional objections that had been raised by Oracle.²⁴

19 On 10 May 2023, the plaintiff sent an email to the FWC, in which he said that he was "writing to formally request the withdrawal of [his] application". This was taken as a discontinuance, and as a result, the FWC's case file for proceeding C2023/1822 was closed later that same day.²⁵ Subsequently, on 25 May 2023, the plaintiff emailed the FWC to request that his application be arbitrated in the FWC, and was informed in response that the FWC did not have authority to set aside his discontinuance or reopen the application.²⁶

20 Much later, on 16 January 2024, the plaintiff commenced proceeding C2024/277 by filing a notice of appeal pursuant to s 604 of the *FWA*, by which he sought to appeal a "decision" of the FWC not to issue a certificate under s 368(3) of the *FWA* after the conciliation conference "failed" on 9 May 2023.²⁷ This was listed for permission to appeal only,²⁸ and both the plaintiff and Oracle consented to it being determined without holding an oral hearing pursuant to s 607(1)(b) of the *FWA*.²⁹

22 *Nasir v Oracle Corporation Australia Pty Ltd* [2024] FWCFB 76 at [4].

23 *Nasir v Oracle Corporation Australia Pty Ltd* [2024] FWCFB 76 at [6].

24 *Nasir v Oracle Corporation Australia Pty Ltd* [2024] FWCFB 76 at [8].

25 *Nasir v Oracle Corporation Australia Pty Ltd* [2024] FWCFB 76 at [9]-[10].

26 *Nasir v Oracle Corporation Australia Pty Ltd* [2024] FWCFB 76 at [11].

27 *Nasir v Oracle Corporation Australia Pty Ltd* [2024] FWCFB 76 at [1], [12].

28 The permission of the FWC is required to appeal a decision of the FWC: *FWA*, s 604(1).

29 *Nasir v Oracle Corporation Australia Pty Ltd* [2024] FWCFB 76 at [2].

21 On 14 February 2024, the Full Bench of the FWC (Deputy Presidents Millhouse, Slevin and Wright) delivered a joint judgment on the plaintiff's notice of appeal in *Nasir v Oracle Corporation Australia Pty Ltd*.³⁰ The Full Bench unanimously refused permission to appeal, on the basis that no "decision" of the FWC not to provide a certificate was made (either on 9 May 2023 as contended, or at any other time), such that the jurisdictional prerequisites for an application to appeal a decision pursuant to s 604 of the *FWA* were not satisfied.³¹ The Full Bench also refused to grant an extension of time for the filing of the plaintiff's notice of appeal, noting that it had been filed more than seven months after the purported "decision" was said to have been made.³²

Request for prosecution to SafeWork NSW and Director of Public Prosecutions (Ref #1-463580)

22 On 1 April 2023, the plaintiff submitted a request pursuant to s 231(3)(b) of the *Work Health and Safety Act 2011* (NSW) ("the *WHS Act*") for prosecution to SafeWork NSW (a division of the Department of Customer Service ("DCS")), in connection with allegations regarding Oracle, which was assigned the reference number Ref #1-463580. On 20 April 2023, the plaintiff requested a referral of his request to the Director of Public Prosecutions (New South Wales) (the "DPP") for advice as to whether a prosecution should be brought. The DCS referred the request for prosecution to the DPP on 27 June 2023.

23 On 31 July 2023, the Acting Deputy DPP sent a letter to the DCS, in which he advised that the DPP was not of the view that prosecution for an offence under ss 31 or 32 of the *WHS Act* "should be brought at this stage", including because of a lack of clarity. On 4 August 2024, the plaintiff wrote to the DPP seeking reconsideration of that prosecution advice provided to the DCS. Subsequently, on 4 September 2023, the Office of the DPP sent a letter to the plaintiff, in which they advised that the DPP's statutory functions under the *WHS Act* had "been exhausted" and that they were unable to further assist.

Civil and Administrative Tribunal (NSW) proceeding (2023/00265501)

24 On 3 July 2023, SafeWork NSW granted the plaintiff access – in response to an application the plaintiff made pursuant to s 41 of the *Government Information (Public Access) Act 2009* (NSW) – to complaints he had previously lodged with SafeWork NSW against Oracle.³³ On 7 July 2023, the plaintiff asked SafeWork

30 [2024] FWCFB 76.

31 *Nasir v Oracle Corporation Australia Pty Ltd* [2024] FWCFB 76 at [3], [26].

32 *Nasir v Oracle Corporation Australia Pty Ltd* [2024] FWCFB 76 at [27].

33 *FVY v SafeWork NSW* [2024] NSWCATAD 64 at [5].

NSW to amend or remove those reports, on the basis that they contained false, incorrect, misleading and/or intrusive privacy information.³⁴ SafeWork NSW sent a response to the plaintiff on 31 July 2023, in which it sought further clarifying information and informed the plaintiff that, to the extent he was concerned about the collection and disclosure of his personal and health information, it was open to him to request an internal review pursuant to s 53 of the *Privacy and Personal Information Act 1998* (NSW).³⁵

25 On 21 August 2023, the plaintiff commenced proceeding 2023/00265501 in the NSW Civil and Administrative Tribunal ("NCAT"), by way of an application for administrative review for alleged breaches by SafeWork NSW of "Information Privacy Principles" ("IPPs") and "Australian Privacy Principles" ("APPs").³⁶ The following day, on 22 August 2023, Principal Member Simon of NCAT made timetabling orders in the matter, and in that document outlined, under a heading entitled "Notes", matters which the plaintiff needed to address concerning NCAT's jurisdiction to determine his application for review. On 7 September 2023, SafeWork NSW applied for summary dismissal of the proceeding.³⁷

26 Subsequently, on 11 March 2024, Senior Member Higgins of NCAT dismissed the proceeding pursuant to s 55(1)(b) of the *Civil and Administrative Tribunal Act 2013* (NSW) ("*NCAT Act*") on the grounds that NCAT did not have jurisdiction to review the alleged contraventions of APPs³⁸ and that the application did not identify a relevant "administratively reviewable decision" of SafeWork NSW over which NCAT had administrative review jurisdiction.³⁹ Senior Member Higgins' reasons for that decision were published in *FVY v SafeWork NSW*.⁴⁰

Complaint to State Insurance Regulatory Authority (reference 00822969)

27 On 1 April 2023, the plaintiff sent an email to the State Insurance Regulatory Authority ("SIRA"), by which he sought to report compensation fraud allegedly committed by Oracle – along with allegations as to alleged breaches of

34 *FVY v SafeWork NSW* [2024] NSWCATAD 64 at [6(1)], [49]-[58].

35 *FVY v SafeWork NSW* [2024] NSWCATAD 64 at [59].

36 *FVY v SafeWork NSW* [2024] NSWCATAD 64 at [4].

37 *FVY v SafeWork NSW* [2024] NSWCATAD 64 at [9].

38 *FVY v SafeWork NSW* [2024] NSWCATAD 64 at [60].

39 *FVY v SafeWork NSW* [2024] NSWCATAD 64 at [73]-[74].

40 [2024] NSWCATAD 64.

statutory duties, privacy obligations and alleged misconduct by Insurance and Care NSW (and its claims service provider) and SafeWork NSW in respect of a workers compensation claim the plaintiff had previously made against Oracle. That complaint was assigned the reference number "00822969".

28 On 6 July 2023, following related email correspondence and telephone discussions between the plaintiff and SIRA, SIRA sent an email to the plaintiff in which it advised that it was unable to deal with his complaints regarding an insurer or complaints generally about SafeWork NSW – and for this reason, his complaints regarding Insurance and Care NSW (and its claims service provider) were referred to the Independent Review Office ("IRO"), and any outstanding concerns regarding SafeWork NSW would need to be raised with SafeWork NSW directly. Regarding the balance of the plaintiff's complaints (which were in-scope for SIRA), SIRA's email of 6 July 2023 further explained that, having considered these matters, they had decided to end the complaint enquiry process.

Proceeding S128/2024

29 On 30 September 2024, the plaintiff commenced proceeding S128/2024 in this Court by filing an originating application for a constitutional or other writ – which named four defendants, being: the Federal Court; and the Three Oracle Defendants (i.e. the same three defendants the subject of the plaintiff's claims in the Federal Court). The plaintiff later filed an amended version of that application on 17 October 2024 (which inter alia other changes purported to add the Commissioner of the New South Wales Police Force as the fifth defendant). By his amended application, the plaintiff seeks:

"A writ of mandamus ... under section 75(v) of the Constitution, directing the Federal Court of Australia to:"

- a. Correct the factual records by addressing the repeated misrepresentations of facts, fabrication of hearing transcripts, tampering of court records, filing information and evidence, and orchestrated correspondence in collusion with respondents.
- b. Set aside the incorrect facts orders made on 11 July 2024 regarding a separate question that improperly limited the respondents' liabilities based on a fraudulent, illegal, and irrelevant agreement to avoid liabilities and contravention of workplace laws in particular health and safety and workers compensation.
- c. Set aside the incorrect facts orders made on 1 August and 5 August 2024 based on a malicious and fabricated application for a stay order and leave to appeal.
- d. Fully and fairly determine the Applicant's court application based on the AHRC original complaint alleging unlawful discrimination

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under the Racial Discrimination Act 1975 (Cth), sections 9 and 15, which was terminated without inquiry by the Australian Human Rights Commission with notice under sections 46PF(1)(b) and 46PH(1B)(b) of the AHRC Act on the grounds of no reasonable prospect of conciliation.

- e. Set aside the summary dismissal order of 5 September 2024, which prematurely terminated the Applicant's principal as well as interlocutory application seeking joinder of the New South Wales Police Force alleging contravention of RDA s 27 under AHRC Act s 46PO(3).
- f. Determination of Appellant interlocutory application lodged with the principal proceedings (NSD 725/2024) for joinder of party regarding contravention of section 27 by the by the NSW police pursuant to AHRC Act Section 46PO(3).
- g. Determination of Appellant interlocutory application lodged with the principal proceedings (NSD 725/2024) for joinder of party regarding contravention of section 27 and 28 by the federal Court registry pursuant to AHRC Act Section 46PO(3)."

30 In effect, by this application the plaintiff primarily seeks to challenge, by way of a writ of mandamus under s 75(v) of the *Constitution*, various orders and outcomes in Federal Court proceedings NSD725/2024 and VID701/2024 (summarised above at [11]-[16]). In this respect, the plaintiff's application is fundamentally misguided, in particular for the following two reasons.

31 First, it is well-established that "[a] writ of mandamus does not issue except to command the fulfilment of some duty of a public nature *which remains unperformed*".⁴¹ The jurisdiction to issue a writ of mandamus is enlivened only upon a failure to act or to decide – and "[w]ith respect to mandamus, there are two species of failure to act or to decide: actual failure and constructive failure".⁴² However, here, the plaintiff has failed to identify any such actual or constructive failure by the Federal Court; in fact the Federal Court has done what was required of it and made various determinations against the plaintiff in these proceedings. The plaintiff now seeks, in effect, to challenge those determinations by way of

41 *R v War Pensions Entitlement Appeal Tribunal; Ex parte Bott* (1933) 50 CLR 228 at 242 (emphasis added).

42 *NAIS v Minister for Immigration and Multicultural and Indigenous Affairs* (2005) 228 CLR 470 at 481 [41].

commanding the Federal Court to revisit them (as opposed to commanding the Federal Court to perform a duty which remains unperformed).

32 Second, this Court's original jurisdiction to grant writs (whether certiorari, mandamus or prohibition) against officers of the Commonwealth under s 75(v) of the *Constitution* is not ordinarily a substitute for remedying erroneous judgments by way of appeal (including where an appeal is subject to the grant of leave). If any of the Federal Court's orders were infected by error, the appropriate remedy was to be sought by the plaintiff appealing the relevant judgment(s) (or applying for leave to appeal where required). As Nettle J relevantly observed in *Construction Forestry Mining and Energy Union v Director of the Fair Work Building Industry Inspectorate*:⁴³

"[I]t is inappropriate for the original jurisdiction of this Court to be invoked to challenge a decision amenable to appeal, whether or not that appeal is subject to leave. The high constitutional purpose of s 75(v) of the *Constitution* is to make it constitutionally certain that there is a jurisdiction capable of restraining officers of the Commonwealth from exceeding Commonwealth power. It is not to provide an alternative means of remedying judgments of superior courts from which there are adequate rights of appeal. Where such rights of appeal are not pursued, this Court is deprived of the signal benefit of the lower courts' consideration of the issues raised between the parties. Consequently, where a litigant fails to exhaust its rights of appeal against a decision of a superior court before approaching this Court for relief by way of mandamus or prohibition, the application for relief is liable to be dismissed in the exercise of discretion, at least unless the application involves a constitutional issue that must be determined in order to establish an entitlement to relief."

33 To the extent that the plaintiff seeks to here invoke s 75(v) of the *Constitution* to challenge orders of the Federal Court from which he has not yet exhausted his rights of appeal (including any applications for leave or special leave to appeal), his application is doomed to fail. Conversely, to the extent that the plaintiff has exhausted his rights of appeal from any of the identified orders of the Federal Court, he could only be permitted to raise a new challenge in "exceptional circumstances" (which he has here failed to demonstrate); as Gibbs CJ, Mason, Wilson, Brennan, Deane and Dawson JJ said in *Metwally (No 2) v University of Wollongong*:⁴⁴

"It is elementary that a party is bound by the conduct of his case. Except in the most exceptional circumstances, it would be contrary to all

43 (2016) 91 ALJR 1 at 8 [22]; 338 ALR 360 at 367 (footnotes omitted).

44 (1985) 59 ALJR 481 at 483; 60 ALR 68 at 71.

principle to allow a party, after a case had been decided against him, to raise a new argument which, whether deliberately or by inadvertence, he failed to put during the hearing when he had an opportunity to do so."

34 Accordingly, the plaintiff by this application seeks to invoke this Court's original jurisdiction "on a basis that is confused or manifestly untenable",⁴⁵ having regard also to the following observations as to each of the individual directions sought to be given to the Federal Court by way of the proposed writ of mandamus:

- (a) By proposed direction (a), the plaintiff seeks to command the Federal Court to "[c]orrect the factual records" in several respects. What exactly is meant by this is far from clear, which alone renders the proposed direction incompetent and incapable of enforcement. This proposed direction also appears to be bound up with various scandalous allegations (levied by the plaintiff both in the application itself and in numerous supporting affidavits) that Registry staff of the Federal Court are corrupt and colluded with the defendants to undermine his interests. There is no evidence before this Court that would come close to supporting such a conclusion. The plaintiff's allegations are baseless and wholly without merit.
- (b) By proposed direction (b), it is apparent that the plaintiff seeks to challenge Lee J's order on 11 July 2024 in proceeding NSD725/2024 that the separate question be heard and determined before any other issue in the proceeding (see above at [12]).⁴⁶ As explained above, the plaintiff already sought, and was refused, leave to appeal that order.⁴⁷ Nothing in the material before this Court indicates that there is any aspect of the present challenge which was not raised, or could not have been raised, in that previous application for leave to appeal. In any event, Lee J's order of 11 July 2024 has since been overtaken by the delivery of judgment on the separate question on 5 September 2024.
- (c) By proposed direction (c), it is apparent that the plaintiff seeks to challenge Wigney J's orders on 1 and 5 August 2024 in proceeding VID701/2024 (see

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

46 The plaintiff's proposed direction (b) does not articulate the proceeding in which the identified order of 11 July 2024 was made, but it is apparent from the context of the proposed direction that the plaintiff intended to refer to Lee J's order in proceeding NSD725/2024.

47 *Nasir v Reynolds (Application for leave to appeal)* [2024] FCA 865.

above at [13]).⁴⁸ Both Wigney J's decisions of 1 and 5 August 2024 comprise judgments of a single judge of the Federal Court exercising appellate jurisdiction. Pursuant to s 73 of the *Constitution* and s 33(4) of the *FCA Act*, an appeal from such a judgment lies to this Court, and only upon the grant of special leave to appeal. The plaintiff has not filed any application in this Court for special leave to appeal from Wigney J's orders of 1 or 5 August 2024. Accordingly, the plaintiff's attempt to instead invoke s 75(v) of the *Constitution* to challenge these orders must fail.

- (d) By proposed direction (d), the plaintiff seeks to command the Federal Court to determine a particular "court application". It is far from clear whether the plaintiff is here referring to his originating application in proceeding NSD431/2024 or that in NSD725/2024. Insofar as he refers to the former, that direction would be fundamentally misguided in circumstances where (as explained above at [10]) the plaintiff himself discontinued that application. Insofar as he refers to the latter, that application has already been determined and dismissed by the orders of Lee J (see above at [14]), and no cogent reason has been identified for this Court to disturb those orders. If, alternatively, the plaintiff instead here refers to any of the many other originating or interlocutory applications he previously filed in the Federal Court, he has failed to adequately identify it.
- (e) By proposed direction (e), it is apparent that the plaintiff seeks to challenge Lee J's order on 5 September 2024 in proceeding NSD725/2024, dismissing the proceeding on the basis of the answer to the separate question (see above at [14]).⁴⁹ As explained above, the plaintiff already applied for leave to appeal from the orders of 5 September 2024, and that application was dismissed by the Full Court on 27 June 2025 (on the basis of the plaintiff's non-compliance with the Court's timetabling orders). Pursuant to ss 25(2) and 33(4B)(a) of the *FCA Act*, an appeal from the dismissal of that application may not be brought to this Court. The plaintiff has identified no arguable basis for this Court to interfere with the orders of 5 September 2024 in these circumstances.

48 The plaintiff's proposed direction (c) does not articulate the proceeding in which the identified orders of 1 and 5 August 2024 were made, but it is apparent from context that the plaintiff intended to refer to Wigney J's orders in proceeding VID701/2024: *Nasir v Reynolds (stay application)* [2024] FCA 864; *Nasir v Reynolds (Application for leave to appeal)* [2024] FCA 865.

49 The plaintiff's proposed direction (e) does not articulate the proceeding in which this order of 5 September 2024 was made, but it is apparent from the context of the direction that the plaintiff intended to refer to Lee J's order in proceeding NSD725/2024: *Nasir v Reynolds* [2024] FCA 1027.

13.

- (f) By proposed directions (f) and (g), the plaintiff seeks to command the Federal Court to determine two particular interlocutory applications seeking "joinder" of one or more party, both of which the plaintiff asserts he filed in proceeding NSD725/2024. It is to be noted that the plaintiff filed no less than 19 separate interlocutory applications in proceedings NSD725/2024 and VID701/2024 (in addition to many more across other proceedings), which Lee J concluded were "either misconceived or legally incomprehensible (or both)".⁵⁰ Relevantly, in determining the separate question in proceeding NSD725/2024, his Honour noted that "none of the interlocutory applications have been moved upon, and many were, in any event, superseded by events" and that "[none] of the relief sought in any so-called 'interlocutory application' is material to the consideration of the separate issue which, as I have already ordered, was to be determined before any other issue in the proceeding (and has proven to be determinative of the whole proceeding)".⁵¹ Plainly, it was unnecessary for the Federal Court to determine the plaintiff's interlocutory applications in those circumstances.

35 It follows that the plaintiff's originating application in proceeding S128/2024 is an abuse of process and does not disclose an arguable basis for the relief sought.

Proceeding S145/2024

36 On 13 November 2024, the plaintiff commenced proceeding S145/2024 in this Court by filing an originating application for a constitutional or other writ – which named six defendants, being: Deputy President Millhouse of the FWC; the Three Oracle Defendants; the Commissioner of the New South Wales Police Force; and the Federal Court. The plaintiff subsequently filed an amended version of that application on 23 December 2024, by which he seeks four orders in the following terms:

- "I. The Plaintiff seeks a writ of mandamus under section 75(v) of the Constitution, directing First Defendant Amber Millhouse, Deputy President of the Fair Work Commission. to consider and determine the Plaintiff's recusal application of first defendant dated 2 February 2024 & again on 10 February 2024, in leave to appeal proceedings C2024/277,
- II. A writ of certiorari to quash the FWC case manager decision dated 18 April 2023 to hold a conciliation conference without first making

50 *Nasir v Reynolds* [2024] FCA 1027 at [61]-[62]; *Nasir v Reynolds (Vexatious Proceedings Order)* [2024] FCA 1194 at [6].

51 *Nasir v Reynolds* [2024] FCA 1027 at [69].

a determination on jurisdiction in proceedings (C2023/11822 Nasir v Oracle Corporation Australia Pty Ltd – General Protections Dismissal Application under Section 365).

III. A writ of certiorari to quash the decision [2024] FWCFB 76 of first defendant dated 14 February without first considering and determining the plaintiff's application for recusal of first defendant, Amber Millhouse, Deputy President of the Fair Work Commission (FWC) dated 2 February and 10 February in leave to appeal proceedings C2024/277.

IV. The Plaintiff seeks an order quashing the Apprehended Violence Protection Order (AVPO) filed (Event Number 97773154), issued by Defendant 5 on the application by Defendant 1, Amber Millhouse, Deputy President of the Fair Work Commission."

37 The majority of the relief sought by the plaintiff in this application is directed towards revisiting certain adverse outcomes faced by the plaintiff in FWC proceedings C2023/1822 and C2024/277 (outlined above at [17]-[21]).

38 By the first proposed order, the plaintiff seeks a writ of mandamus directing the first defendant (Deputy President Millhouse) to determine an "application" (apparently dated 2 and/or 10 February 2024) for the Deputy President to recuse herself in proceeding C2024/277. On the material before this Court, it is far from clear that the plaintiff did, in fact, make any such "application" to the FWC (whether on 2 and/or 10 February 2024, or indeed at all) capable of being determined. The plaintiff has filed many supporting affidavits across the present four proceedings – one of which purports to exhibit a "formal request" (said to have been sent by email) for Deputy President Millhouse's recusal. However, while it is apparent from this affidavit and its exhibits that the plaintiff considers Deputy President Millhouse to be biased (and the plaintiff makes several scandalous allegations in this respect), no such request for recusal is disclosed amongst the (many) exhibited documents (whether in application or email form). It is now too late for such a recusal application to be brought, in circumstances where (as explained above), proceeding C2024/277 has been brought to its conclusion. And in any event, the plaintiff's allegations of bias against the Deputy President lack any coherently articulated basis.

39 By the second proposed order, the plaintiff seeks a writ of certiorari to quash a "decision" to hold the conciliation conference in FWC proceeding C2023/1822⁵²

52 The plaintiff's application refers to proceeding C2023/11822. Based on the surrounding context, I infer that this is a typographical error and the plaintiff in fact intended to refer to proceeding C2023/1822.

prior to "a determination on jurisdiction".⁵³ This proposed order is fundamentally misguided, including for the following three reasons. First, the plaintiff has failed to identify any coherent reason why a conciliation conference could not be held prior to determination of Oracle's jurisdictional objections. Second, any "decision" to hold a conciliation conference has since been superseded by subsequent events, including the occurrence of the conciliation conference itself; quashing any "decision" to hold the conciliation conference would now be of no consequence. Third, as explained above, the plaintiff himself voluntarily discontinued proceeding C2023/1822 on 10 May 2023; no basis has been identified for this Court to interfere with this proceeding in such circumstances.

40 By the third proposed order, the plaintiff seeks a writ of certiorari quashing the decision of the Full Bench of the FWC in proceeding C2024/277 on 14 February 2024 in *Nasir v Oracle Corporation Australia Pty Ltd* (see above at [21]).⁵⁴ That order appears to be sought on the basis that the Full Bench delivered its decision on leave to appeal without first determining the plaintiff's application(s) for recusal of Deputy President Millhouse (who was one of the three members of the Full Bench). As explained above, on the materials before this Court, it is far from clear that the plaintiff did, in fact, make any application for recusal of Deputy President Millhouse prior to the Full Bench's decision on 14 February 2024.

41 Putting that aside, it is clear from the plaintiff's materials that he contends that Deputy President Millhouse was biased against him – and accordingly, on a generous interpretation, the plaintiff's certiorari claim might be understood as founded on the basis that the Full Bench's decision of 14 February 2024 was infected by jurisdictional error. In that respect, the plaintiff's claim is also fundamentally misguided for at least two reasons. First, if such jurisdictional error is indeed the basis of the plaintiff's claim, the appropriate remedy was to be sought by applying to the Federal Court for judicial review of the Full Bench's decision, pursuant to s 19 of the *FCA Act*, s 39B(1A)(c) of the *Judiciary Act* and s 562 of the *FWA*. Second, in any event, the plaintiff's allegations of actual bias (which are inherently of an extremely grave nature) are incoherent on their face, and find no support in any of the supporting materials filed by the plaintiff in this Court.

42 By the fourth proposed order, the plaintiff seeks an order quashing a particular "Apprehended Violence Protection Order". The plaintiff here appears to intend to refer to a provisional apprehended violence order ("AVO") made on 4 June 2024 pursuant to the *Crimes (Domestic and Personal Violence) Act 2007*

53 I infer that the plaintiff refers to the jurisdictional objections raised by Oracle in proceeding C2023/1822: *Nasir v Oracle Corporation Australia Pty Ltd* [2024] FWCFB 76 at [8].

54 [2024] FWCFB 76.

(NSW), which restrained him from certain behaviour in connection with Deputy President Millhouse, pending an application for a final AVO (for a period of two years). A copy of that provisional AVO and corresponding application for a final AVO was exhibited to one of the plaintiff's (many) supporting affidavits in these proceedings. The exhibited application disclosed that the provisional AVO was made on the grounds that, inter alia, the plaintiff made a threat to burn down the FWC building with Deputy President Millhouse inside. The exhibited document also disclosed that the application for a final AVO was listed for hearing at Parramatta Local Court on 11 June 2024.

43 On the affidavit evidence adduced by the plaintiff in proceeding S145/2024, it is far from clear what became of the provisional AVO and application on 11 June 2024 (or thereafter). It is unclear on this evidence, for example, whether the Parramatta Local Court revoked the provisional AVO and/or made a final AVO. Consequently, the operative order (if any) which the plaintiff now seeks to challenge is not immediately apparent on the face of the materials before this Court. In any event, the plaintiff has failed to advance any coherent basis to justify this Court quashing any AVO made against him, whether provisional or final. The allegations made in the AVO application are very serious, and a matter for consideration by the Parramatta Local Court at first instance. Thereafter, any challenge by the plaintiff to the AVO made against him ought to have been advanced by way of an appeal to the District Court of New South Wales pursuant to s 84(2)(a) of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW).

44 It follows that the principal claims for relief in proceeding S145/2024 are an abuse of process and must be summarily dismissed.

Proceeding S155/2024

45 On 13 December 2024, the plaintiff commenced proceeding S155/2024 in this Court by way of an application for a constitutional or other writ which named five defendants, being: a Registrar of the Federal Court; the Three Oracle Defendants; and the Commissioner of the New South Wales Police Force. By this application, the plaintiff seeks the following three proposed orders:

- "(I) The Plaintiff seeks a writ of mandamus under Section 75(v) of the Constitution, directing the First Defendant, [a Registrar of the Federal Court], to produce the sealed order that declined or amended the Plaintiff's application for interim relief under Section 46PP (pending AHRC complaints), allegedly issued as an administrative listing direction order by Justice Stewart, scheduling a show cause hearing on 11 June 2024 pursuant to Section 46PO(3A), for the same relief sought against the [Three Oracle Defendants], with the respondents listed separately in Table 1 of the alleged orders.

17.

[The plaintiff here outlined 'Table 1', being a list of persons said to be the second to twenty-third defendants in proceeding NSD431/2024]

- (II) The Plaintiff seeks a writ of mandamus under Section 75(v) of the Constitution, directing the First Defendant, [a Registrar of the Federal Court], to rectify the unlawful removal of the [Three Oracle Defendants] from the court file in NSD 431/2024, as listed in Table 2, which were included in the Plaintiff's application between 30 March and 15 April, declined by the First Defendant, and again included in the application filed on 17 April 2024 seeking relief under Section 46PP of the Australian Human Rights Commission Act.

[The plaintiff here outlined 'Table 2', being a list of the Three Oracle Defendants, described here as the second, third and fourth defendants in proceeding NSD431/2024]

- (III) The Plaintiff seeks a writ of certiorari under Section 75(v) of the Constitution to quash the Apprehended Violence Order issued against them on the application of the First Defendant, [a Registrar of the Federal Court]. The Plaintiff contends that this order, obtained through coordinated acts of abuse of court processes, represents retaliation against their efforts to lodge an application against the Fourth Defendant, Oracle Corporation Australia Pty Ltd, and its legal representatives, Baker & McKenzie. This abuse has rendered the Federal Court of Australia a profoundly unsafe venue for victims of human rights violations seeking redress."

46 The plaintiff's first and second proposed orders collectively seek the issue of two writs of mandamus under s 75(v) of the *Constitution*, directing the first defendant (a Registrar of the Federal Court) to take certain actions in connection with proceeding NSD431/2024 (outlined above at [8]-[10]). The exact nature of the actions demanded by the plaintiff is difficult to understand on the face of the application and supporting materials, but I understand the plaintiff broadly seeks to direct the Registrar to: (i) produce a copy of an order made by Stewart J in that proceeding; and (ii) join the Three Oracle Defendants to that proceeding (who he alleges were somehow "removed" as defendants). Putting aside the fundamental issue of whether a writ of mandamus commanding such actions could ever be issued to a Registrar of the Federal Court – in any event, as explained above, the plaintiff himself voluntarily discontinued proceeding NSD431/2024 on 7 June 2024. No coherent explanation has been proffered by the plaintiff as to why this Court should, in any way, interfere with proceeding NSD431/2024 in such circumstances where his claims therein are no longer on foot.

47 The plaintiff's third proposed order seeks a writ of certiorari under s 75(v) of the *Constitution*, "to quash the Apprehended Violence Order issued against [the

plaintiff] on the application of the First Defendant [a Registrar of the Federal Court]". Taking the proposed order at face value, I infer that an Australian court may have made an AVO prohibiting the plaintiff from certain behaviour in relation to the Federal Court Registrar (perhaps on similar grounds to the AVO made against the plaintiff in respect of Deputy President Millhouse, addressed above at [42]-[43]). However, neither the application itself nor any of the plaintiff's affidavits filed in this proceeding adequately identify the AVO in question. It is far from clear, for example, which Court made the AVO and on what date, the terms of the AVO, or the basis on which any AVO application was made. Accordingly, and putting aside the fact that the plaintiff has failed to proffer any cogent basis that would warrant this Court interfering with the AVO, the proposed order is incompetent and incapable of being enforced.

48 It follows that the plaintiff's principal claim for relief in proceeding S155/2024 is an abuse of process and must be summarily dismissed as such.

Proceeding S16/2025

49 On 28 January 2025, the plaintiff commenced proceeding S16/2025 in this Court by filing an application for a constitutional or other writ – which named fourteen defendants, being: a manager of the Information and Privacy Commission of New South Wales; the Three Oracle Defendants; a Registrar of NCAT; the DCS; Insurance and Care NSW; several members of NCAT; the DPP; the Federal Court; the President of the AHRC; and several New South Wales government ministers. By this application, the plaintiff seeks nine separate proposed orders – which are (seemingly erroneously) identified in the application as proposed orders 1, 1.1, 1.2, 1.3, 1.4, 2, 2.1, 2.2 and 2.3 – directed to aiding the plaintiff in a broad range of disputes across multiple different forums. No arguable basis has been identified for the relief sought in any of these proposed orders.

50 By proposed order 1, the plaintiff seeks:

"A Writ of Prohibition under Section 75(v) of the Constitution restraining the Federal Court of Australia from enforcing, registering, or giving effect to the interlocutory order of Justice Lee dated 5 September 2024 in proceedings NSD 725/2024...".

51 In effect, the plaintiff here seeks (once again) to invoke s 75(v) of the *Constitution* to challenge the orders of Lee J on 5 September 2024 in Federal Court proceeding NSD725/2024. This proposed order renders the application an abuse of process, for the same reasons already articulated above (in particular at [32], [33] and [34(e)]).

52 By proposed order 1.1, the plaintiff seeks:

"An injunction order under Section 60 of the Judiciary Act 1903 (Cth), read with Section 38 and 32 , directing [the sixth defendant, DCS], and its officers to provide the plaintiff with a written status update on the investigation concerning prosecution review request (Ref#1-463580), lodged on 20 April 2022, and to confirm whether the investigation is complete, whether a prosecution has been or will be brought, or to provide written reasons if no prosecution will be initiated."

53 The evidence before this Court is that DCS is not aware of any prosecution request dated 20 April 2022 (and no cogent reason has been identified to doubt that evidence). I infer that the date articulated in the plaintiff's proposed order may be a typographical error, and he instead intended to refer to his request bearing reference number Ref #1-463580, which he requested be referred to the DPP on 20 April 2023 (addressed above at [22]-[23]). But in any event, as explained above, the plaintiff was already informed that there would be no prosecution in relation to that request. It follows that there is no arguable basis for the relief sought.

54 By proposed order 1.2, the plaintiff seeks:

"An order under Section 60 of the Judiciary Act 1903 (Cth), read with Section 38 & 32 , restraining the [sixth defendant, DCS], and its officers from using, enforcing, or validating any fabricated and unauthorized health, safety, and personnel information submitted by [the Three Oracle Defendants], including information provided under false health and safety incident notification (Ref# 10-130902) and inspection report file (Ref# 2022/000447), and directing the removal of all such fabricated information in accordance with statutory obligations."

55 This proposed order is vague and embarrassing. The plaintiff has failed to adequately identify the allegedly "fabricated and unauthorized" information to which they refer, nor is it clear what would be meant by compelling the DCS and its officers to stop "using, enforcing, or validating" that information. It would be effectively impossible for the DCS to comply with that order if made. In any event, no arguable basis for that relief has been articulated by the plaintiff.

56 The plaintiff's proposed order 1.3 is in two parts. By the first part of the proposed order, the plaintiff seeks:

"An order under Section 60 of the Judiciary Act 1903 (Cth), read with Section 38 & 32, restraining the staff and officers of the [sixth defendant, DCS], from producing, using, or relying on forged correspondences from the [Three Oracle Defendants], purportedly from the Commonwealth Attorney-General's Office, NSW Attorney-General's Office, State Minister for Work Health and Safety, and State Minister for Better Regulation and Innovation."

57 This part of proposed order 1.3 is defective (for similar reasons to those outlined above in respect of proposed order 1.2). The plaintiff has failed sufficiently to identify the allegedly "forged correspondences" in respect of which he seeks to restrain the DCS – and in any event no arguable basis has been articulated for the relief sought.

58 By the second part of proposed order 1.3, the plaintiff seeks:

"an order directing the [thirteenth defendant, the NSW Minister for Work Health and Safety] and [the fourteenth defendant, the NSW Minister for Customer Service], to ensure compliance with the National Compliance and Enforcement Policy by holding regulators accountable for such misconduct and safeguarding the integrity of their statutory duties under workplace safety legislation".

59 This part of proposed order 1.3 is likewise fundamentally misguided. The "National Compliance and Enforcement Policy" is not a law (whether under statute or common law) and does not give rise to a legal right capable of being enforced by this Court.

60 By proposed order 1.4, the plaintiff seeks:

"An order under Section 60 of the Judiciary Act 1903 (Cth), read with Section 38 & 32, directing the [tenth defendant,⁵⁵ the DPP], pursuant to its statutory duties under Section 231(4) of the Work Health and Safety Act 2011 (NSW), to review and address the plaintiff's prosecution request regarding alleged breaches of workplace health and safety duties by [the Three Oracle Defendants]. This order further directs the [DPP] to provide written advice to the regulator within one month, confirming whether a prosecution will be initiated under the relevant provisions of the Work Health and Safety Act 2011 and related regulations, or to provide detailed reasons for declining to prosecute."

61 This proposed order fails to adequately identify the relevant "prosecution request" in respect of which the plaintiff seeks to compel the DPP to take action. To the extent that the plaintiff here intended to refer to his prosecution request bearing reference number Ref #1-463580 (outlined above at [22]-[23]) – as explained above, the Office of the DPP already wrote to the plaintiff on 4 September 2023 and informed him that the DPP's statutory functions under the *WHS Act* had "been exhausted" and that they were unable to further assist.

55 In the plaintiff's application, the DPP is (in proposed order 1.4) referred to as the eleventh defendant. This is incorrect; the DPP is the tenth defendant named in proceeding S16/2025.

62 By proposed order 2, the plaintiff seeks:

"A Writ of Prohibition under Section 75(v) of the Constitution restraining the [twelfth defendant, the President of the AHRC and Deputy President Millhouse] from referring to, recognizing, or relying upon the purported unlawful agreement brought forth by the [Three Oracle Defendants], as a 'settlement' under Section 365 of the Fair Work Act 2009, or from including it in any assessment, determination, or decision as a remedy, in the absence of proper legal adjudication."

63 On the material before this Court, it is far from clear what "purported unlawful agreement" the plaintiff here refers to. In another part of this application, the plaintiff alleged that the Release (addressed above at [6]) was unlawful and that he was coerced into signing it by the Three Oracle Defendants – and accordingly, I infer that this *may* be the agreement in respect of which he seeks to restrain the AHRC President (the twelfth defendant) and Deputy President Millhouse of the FWC (who is not, in fact, party to this proceeding at all). But in any event, the plaintiff has identified no arguable basis to so restrain the AHRC President and Deputy President Millhouse – and the exact nature of the restraint sought is incoherent.

64 The plaintiff's proposed order 2.1 is in two parts. By the first part of proposed order 2.1, the plaintiff seeks:

"An order under Section 60 of the Judiciary Act 1903 (Cth), read with Section 38 & 32, directing the Sixth Defendant, Department of Customer Services (State Workers Insurance Regulator, SIRA), to enforce the findings of the Independent Review Officer's (*IRO*) investigation, initiated on SIRA's referral regarding the conduct of the workers' compensation insurer and its agent, and to ensure compliance with statutory obligations under the Workplace Injury Management and Workers Compensation Act 1998 and the State Insurance and Care Governance Act 2015, including addressing unauthorized disclosure, collection, and subsequent swapping of personal and health information with fabricated records".

65 This part of the proposed order is defective and incapable of enforcement; it fails to identify the IRO "investigation" or "findings" which the plaintiff seeks to enforce.⁵⁶ Moreover, there is no arguable basis for the relief sought.

56 I infer that the plaintiff may intend to refer to an investigation and findings that may have arisen from the referral to the IRO referred to above at [28]. But in any event, the details of any such IRO investigation or findings (if any) are far from clear on the materials before this Court in proceeding S16/2025.

66 By the second part of proposed order 2.1, the plaintiff also seeks an order directing the DCS (the sixth defendant) to provide him with:

"written notice on the status of SIRA's own investigation concerning the complaint lodged on 1 April 2022 (Reference #00822969) against the [Three Oracle Defendants], confirming whether the investigation is complete, whether enforcement measures have been or will be taken, or providing written reasons for non-enforcement".

67 The evidence before this Court is that SIRA is not aware of any complaint from the plaintiff dated 1 April 2022 (and there is no reason to doubt that evidence). I infer that the date in the plaintiff's proposed order is a typographical error, and he intended to refer to his complaint – which was assigned the reference number "00822969" – made on 1 April 2023 (outlined above at [27]-[28]). As explained above, the plaintiff already received a comprehensive response in respect of that complaint on 6 July 2023. There is no arguable basis for the relief sought.

68 By proposed order 2.2, the plaintiff seeks:

"An order under Section 60 of the Judiciary Act 1903 (Cth), read with Section 38 & 32, setting aside two fraudulent decisions issued by the [eighth defendant, Principal Member Simon⁵⁷ of NCAT] and [ninth defendant, Senior Member Higgins of NCAT], in Case Numbers 2023/00265501 and 2023/00183846."

69 The plaintiff's proposed order fails to identify the particular "two fraudulent decisions" of Principal Member Simon and Senior Member Higgins (in NCAT proceedings 2023/00265501 and 2023/00183846) which he seeks to have set aside. That alone renders proposed order 2.2 an abuse of process – having regard also to the following matters:

- (a) In NCAT proceeding 2023/00265501 (outlined above at [24]-[26]), there are two sets of orders to which I infer the plaintiff *may* have intended to refer:
 - (i) First, the orders of Principal Member Simon on 22 August 2023 (in one of his supporting affidavits, the plaintiff referred to and exhibited a copy of these orders). To the extent that the plaintiff seeks to challenge those orders, his claim is misguided; the orders of 22 August 2023 were (as explained above) of a timetabling nature – in particular listing the plaintiff's application for hearing and

57 Principal Member Simon is the eighth defendant in proceeding S16/2025, but is misnamed by the plaintiff as "Simmon" in the application.

23.

providing for filing of written submissions. The plaintiff has not identified any sound basis to challenge those orders, and in any event, they have since been superseded by subsequent events and orders (in particular NCAT's dispositive orders of 11 March 2024).

- (ii) Second, the dispositive orders of Senior Member Higgins on 11 March 2024 (by which, as explained above, the proceeding was dismissed).⁵⁸ Pursuant to s 80 of the *NCAT Act*, any appeal from those orders would lie to the Appeal Panel of NCAT. The plaintiff has not (at least as at the time of filing written submissions in this Court in proceeding S16/2025) advanced any such appeal – and accordingly, any challenge to these orders by proposed order 2.2 is an abuse of process.
- (b) Insofar as concerns NCAT proceeding 2023/00183846, there is extremely limited material before this Court which discloses any meaningful detail about the decision(s) which the plaintiff purports to challenge. In one of his supporting affidavits, the plaintiff exhibited copies of certain correspondence with respect to this matter – including an email he sent to NCAT on 31 August 2023, and a letter sent to him by a Registrar of NCAT on 8 September 2023. None of this correspondence comprises, or otherwise meaningfully assists in identifying, any relevant "decision" in NCAT proceeding 2023/00183846 which could here be capable of an arguable challenge.

70 By proposed order 2.3, the plaintiff seeks:

"An order under Section 60 of the Judiciary Act 1903 (Cth), read with Section 38 & 32, restraining the [first defendant, a Manager of the Information and Privacy Commission], from engaging in misconduct, deceptive practices, and retaliatory actions, corrupt practices, across agencies. specifically, by colluding with [certain 'individuals and entities' (being a combination of certain defendants in proceeding S16/2025 and certain named employees of some of the defendants)] to obstruct statutory privacy processes and facilitate unlawful conduct."

71 This proposed order appears to be bound up with various vague allegations of fraud, corruption and misconduct levied against a broad range of named individuals. Such allegations are wholly unsubstantiated on the evidence before this Court. There is no arguable basis for the relief sought.

58 *FVY v SafeWork NSW* [2024] NSWCATAD 64.

72 It follows from the above that the plaintiff's claims for relief in proceeding S16/2025 are an abuse of process and must be summarily dismissed.

Interlocutory applications

73 In addition to the original and amended versions of his four originating applications (addressed above), the plaintiff has also filed no less than 37 separate interlocutory applications in the four proceedings before this Court.

74 The plaintiff's voluminous filing of interlocutory applications (and other materials) in this Court notably echoes his recent practice in the Federal Court. Lee J relevantly observed that the plaintiff had filed a "tsunami of interlocutory applications",⁵⁹ which as at 15 October 2024 numbered over 51, across various Federal Court proceedings.⁶⁰ To the extent that those interlocutory applications fell for Lee J's consideration (when delivering judgment on the separate question in proceeding NSD725/2024), his Honour concluded that they were all "either misconceived or legally incomprehensible (or both)".⁶¹

75 In the present four proceedings, it is similarly plain that all of the plaintiff's interlocutory applications are wholly without merit on their face. Moreover, none of the relief sought in any of the plaintiff's interlocutory applications is material to my above consideration of whether the principal relief sought in any of the four proceedings should be granted. In those circumstances, and in light of my above conclusion that each of the plaintiff's principal claims in this Court comprise an abuse of process, it is unnecessary to address each individual interlocutory application in substantial detail. However, for completeness, in the following table, I summarise at a high level the claims advanced by the plaintiff in each of his interlocutory applications:

No.	Date	Summary
<i>Proceeding S128/2024</i>		
1.	Filed: 25 November 2024	By this application, the plaintiff seeks orders providing: (i) for the "recusal" of Gleeson J and a named Deputy Registrar of this Court; (ii) that a direction of the Deputy Registrar "to refuse

59 *Nasir v Reynolds* [2024] FCA 1027 at [65]; *Nasir v Reynolds (Vexatious Proceedings Order)* [2024] FCA 1194 at [7].

60 *Nasir v Reynolds (Vexatious Proceedings Order)* [2024] FCA 1194 at [34].

61 *Nasir v Reynolds* [2024] FCA 1027 at [61]-[62]; *Nasir v Reynolds (Vexatious Proceedings Order)* [2024] FCA 1194 at [6].

25.

	Dated: 22 November 2024	filing of Application of Writ of Mandamus" be set aside; and (iii) that no further correspondence be "received" from the Deputy Registrar.
2.	Filed: 5 December 2024 Dated: 25 November 2024	This document is presented as an amended version of application #1 above. By this amended application, the plaintiff seeks orders providing: (i) again, for the "recusal" of Gleeson J and a named Deputy Registrar of this Court; and (ii) that a direction given by Gleeson J under r 6.07.2 of the <i>Rules</i> (to refuse to issue or file a particular document without the leave of a Justice of this Court first had and obtained) be set aside.
3.	Filed: 13 December 2024 Dated: 11 December 2024	This document is also presented as an amended version of application #1 above. By this further amended application, the plaintiff seeks orders providing: (i) that a particular proceeding in the Local Court of New South Wales be stayed (on the basis that it was "initiated ... under a false identity"); and (ii) again, that a direction given by Gleeson J under r 6.07.2 of the <i>Rules</i> be set aside.
4.	Filed: 2 April 2025 Dated: 26 March 2025	By this application, the plaintiff seeks " court directions " regarding the joinder of his claims under Writ of Mandamus Applications S126/2024, ⁶² S145/2024, S155/2024, and S16/2024", ⁶³ which he claims was ordered by a Deputy Registrar of this Court. This application also outlined what in substance are supplementary submissions in reply to matters raised in the response filed in

62 Proceeding S126/2024 is an unrelated proceeding, to which the plaintiff is not party. Although the plaintiff's interlocutory application referred to S126/2024, I infer that this is a typographical error and he intended to refer instead to his claims in S128/2024.

63 Proceeding S16/2024 is also an unrelated proceeding, to which the plaintiff is not party. Although the plaintiff's interlocutory application referred to S16/2024, I again infer that this is a typographical error and he intended to refer instead to his claims in S16/2025.

		proceeding S16/2025 by the first, fifth, sixth, seventh, ninth, tenth, thirteenth and fourteenth defendants.
5.	Filed: 2 April 2025 Dated: 27 March 2025	By this application, the plaintiff seeks "directions from the Court" regarding allegations of misconduct which the plaintiff levies against the Registry of this Court.
<i>Proceeding S145/2024</i>		
6.	Filed: 5 March 2025 Dated: 23 February 2025	By this application, the plaintiff seeks an order compelling the first defendant (Deputy President Millhouse of the FWC) to "personally submit a sworn affidavit" admitting to several specific facts in relation to events in FWC proceedings C2023/1822 and C2024/277.
7.	Filed: 21 March 2025 Dated: 20 March 2025	By this application, the plaintiff seeks orders providing: (i) that the Registry of this Court be directed to "explain" certain matters in relation to the documents filed by the defendants; (ii) that the Crown Solicitor for New South Wales (who acts for the fifth defendant) be directed to "declare the current procedural position of each defendant and prohibit silent substitutions"; (iii) that judicial notice be taken of alleged "ongoing malicious prosecution and retaliatory AVPO proceedings supported by the Fifth Defendant (NSW Police)"; (iv) that the Court "acknowledge obstruction of justice" allegedly engaged in by the defendants; and (v) for "any other directions to prevent abuse of process and uphold fairness". This application also separately outlines several scandalous (and unsubstantiated) allegations that the Registry of this Court has colluded with the defendants and engaged in "procedural abuse".
<i>Proceeding S155/2024</i>		
8.	Filed: 14 March 2025	By this application, the plaintiff seeks an order "directing the inclusion of the Commissioner of the Australian Federal Police and the lodgement of a report against [two officers of Oracle (i.e. two of the Three Oracle Defendants)], certain

	Dated: 10 March 2025	employees of [Oracle], and their legal representative, [a partner of Baker McKenzie]".
9.	Filed: 21 March 2025 Dated: 16 March 2025	By this application, the plaintiff seeks an order directing the fifth defendant (named in this proceeding as "The Commissioner of Police NSW Police Force") to "initiate proceedings" against the Three Oracle Defendants. The plaintiff further outlines in this application allegations that the Three Oracle Defendants forged correspondence from New South Wales government agencies.
10.	Filed: 2 April 2025 Dated: 25 March 2025	By this application, the plaintiff seeks an order requiring the first defendant (a Registrar of the Federal Court) to "confirm on oath the complete and official list of parties recorded as defendants in proceedings NSD 431/2024 as per the court's file and registry record".
11.	Filed: 2 April 2025 Dated: 26 March 2025	This application is substantially duplicative of application #4 above, filed in proceeding S128/2024. Like that application, the only relief sought in this application is "court directions" regarding "joinder" of claims said to have been previously ordered in these four proceedings by a Deputy Registrar of this Court.
<i>Proceeding S16/2025</i>		
12.	Filed: 14 March 2025 Dated: 20 February 2025	By this application, the plaintiff seeks an order compelling the tenth defendant (the DPP) to personally "submit a sworn affidavit" confirming certain matters in relation to the appointment of an Acting Deputy DPP.
13.	Filed: 14 March 2025 Dated: 23 February 2025	By this application, the plaintiff seeks an order compelling the twelfth defendant (President of the AHRC) to "personally submit a sworn affidavit" confirming certain matters in relation to correspondence.
14.	Filed: 14 March 2025	By this application, the plaintiff seeks an order compelling the first defendant (a manager of the Information and Privacy Commission of New

	Dated: 23 February 2025	South Wales) to "personally submit a sworn affidavit" confirming certain facts.
15.	Filed: 14 March 2025 Dated: 23 February 2025	By this application, the plaintiff seeks an order requiring a particular named employee of the seventh defendant (Insurance and Care NSW) to "provide a sworn affidavit" confirming particular facts.
16.	Filed: 14 March 2025 Dated: 26 February 2025	By this application, the plaintiff seeks an order "in relation to matters concerning the Commonwealth Attorney General as a party to the proceedings, and for an order of confirmation on oath of the authenticity of the email and correspondence purportedly from the Commonwealth Attorney General's Office".
17.	Filed: 14 March 2025 Dated: 26 February 2025	By this application, the plaintiff seeks orders providing that the Attorney-General for New South Wales be required to confirm certain matters "on oath" (principally in relation to email correspondence concerning the prosecution request addressed above bearing reference number Ref #1-463580).
18.	Filed: 14 March 2025 Dated: 3 March 2025	By this application, the plaintiff seeks an order requiring the fourteenth defendant (named as the "State Minister for Customer Service – State of NSW") to confirm certain matters "on oath" in relation to specific correspondence.
19.	Filed: 14 March 2025 Dated: 3 March 2025	By this application, the plaintiff seeks an order requiring "the Department of Prime Minister & Cabinet" to give "confirmation on oath" of certain matters in relation to correspondence said to have been sent by the Department in November 2023.
20.	Filed: 14 March 2025 Dated: 4 March 2025	By this application, the plaintiff seeks orders providing that the Australian Information Commissioner be joined as a party to proceeding S16/2025 and required to "confirm under oath the content of [an email dated 5 April 2024]".

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21.	Filed: 14 March 2025 Dated: 4 March 2025	By this application, the plaintiff seeks (in effect) three orders, providing for relief which is substantially duplicative of that sought in applications #13, #16 and #20 above.
22.	Filed: 14 March 2025 Dated: 5 March 2025	By this application, the plaintiff seeks orders providing that: (i) the Chief Executive Officer of the Independent Commission Against Corruption (the "ICAC CEO") "be included as a party to these proceedings"; and (ii) the ICAC CEO be required to "confirm under oath" whether information in certain correspondence is accurate.
23.	Filed: 14 March 2025 Dated: 9 March 2025	By this application, the plaintiff seeks an order requiring a Deputy Registrar of this Court to "confirm on oath" certain matters in relation to documents which the plaintiff sought to file in this Court. This application also discloses several scandalous (and unsubstantiated) allegations of misconduct levied by the plaintiff against the Deputy Registrar.
24.	Filed: 14 March 2025 Dated: 9 March 2025	The relief sought in this application is substantially duplicative of that sought by application #23 above.
25.	Filed: 14 March 2025 Dated: 10 March 2025	By this application, the plaintiff seeks "court direction" regarding an "unjust demand" which is alleged to have been made by a Deputy Registrar of this Court.
26.	Filed: 14 March 2025 Dated: 10 March 2025	By this application, the plaintiff seeks an order requiring a particular named employee of the sixth defendant (the DCS) to give "confirmation under oath" of certain matters concerning her correspondence with the plaintiff.
27.	Filed: 14 March 2025	This application is substantially duplicative of application #8 above filed in proceeding S155/2024.

	Dated: 10 March 2025	
28.	Filed: 21 March 2025 Dated: 10 March 2025	The relief sought in this application is substantially duplicative of application #26 above.
29.	Filed: 21 March 2025 Dated: 16 March 2025	By this application, the plaintiff seeks orders that: (i) the IRO be appointed as amicus curiae; (ii) SIRA (which the plaintiff erroneously describes as the seventh defendant, whereas in fact they are not party to this proceeding) "enforce [an IRO report] under its statutory role"; and (iii) the NSW "Minister for Customer Service" (which the plaintiff erroneously describes as the thirteenth defendant, whereas in fact they are named as the fourteenth defendant) must "ensure the Plaintiff's contact with SIRA and SafeWork NSW is safe, free from counterattacks, false accusations, or threats".
30.	Filed: 21 March 2025 Dated: 16 March 2025	By this application, the plaintiff seeks orders: (i) that the Registry of this Court be directed to "immediately file and process the Plaintiff's lodged documents without delay"; (ii) for the "correction" of "submission dates" on the plaintiff's applications; and (iii) that the Registry of this Court be directed to comply with the "registry rules". This application also discloses scandalous (and unsubstantiated) allegations that "the Crown Solicitors NSW and Commonwealth Solicitors" have engaged in various kinds of misconduct.
31.	Filed: 21 March 2025 Dated: 20 March 2025	The relief sought in this application is partially duplicative of that sought by application #14 above. The plaintiff again seeks an order compelling the first defendant (a manager of the Information and Privacy Commission of New South Wales) to "personally submit an affidavit" confirming certain identified facts. The facts identified in this application are

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		similar to those identified in the previous application, but depart in other respects.
32.	Filed: 2 April 2025 Dated: 22 March 2025	By this application, the plaintiff seeks an "immediate stay of proceedings". The application is not explicit as to which "proceedings" the plaintiff seeks be stayed, but elsewhere in the document the plaintiff refers to all four of the present proceedings in this Court (all of which were commenced by the plaintiff himself). This stay is sought on the basis of an alleged "persistent tampering with lodgement dates and procedural interference by the High Court Registry, in collusion with the Crown Solicitor".
33.	Filed: 2 April 2025 Dated: 22 March 2025	By this application, the plaintiff seeks (again) an "immediate stay of these proceedings". This application is also not explicit as to which "proceedings" the plaintiff seeks to be stayed, but I infer from the word "these" that he intended to refer to proceeding S16/2025 (i.e. the proceeding in this Court, commenced by the plaintiff himself, in which he filed this application). This stay is sought on the basis that the plaintiff "does not currently have legal representation and is therefore unable to file a response by the deadline set by the Court".
34.	Filed: 2 April 2025 Dated: 23 March 2025	The relief sought in this application is substantially duplicative of that sought in application #29 above. In addition to orders sought in that application, the plaintiff by this application also seeks an order that an employee of the sixth defendant (the DCS) "confirm on oath" certain matters in relation to an email dated 27 April 2023.
35.	Filed: 2 April 2025 Dated: 24 March 2025	By this application, the plaintiff seeks an order requiring a Deputy Registry of this Court to "confirm on oath that the dates recorded on the Plaintiff's filed submissions reflect the actual dates of receipt and filing".
36.	Filed: 2 April 2025	By this application, the plaintiff seeks an order for "removal" of a document filed in this Court.

	Dated: 25 March 2025	That document is a letter from the DCS to the Office of the DPP dated 27 June 2023, which was reproduced as Exhibit AB3 to an affidavit of a Senior Solicitor of the New South Wales Crown Solicitor's Office, which was filed in this Court on 21 March 2025 by the first, fifth, sixth, seventh, ninth, tenth, thirteenth and fourteenth defendants in proceeding S16/2025. The plaintiff seeks that order on the basis that the document allegedly contains "false and fabricated information concerning the Plaintiff's health" and that it was "improperly and deliberately submitted with the collusion or complicity of the Australian High Court Registry".
37.	Filed: 2 April 2025 Dated: 25 March 2025	By this application, the plaintiff seeks an order requiring "removal of the submission made on 21 March by the Australian High Court Registry staff – in particular, [a Deputy Registrar of this Court] – and Crown Solicitors NSW, who submitted the document under the pretence of representing NSW defendants".

76 It follows that all of the interlocutory applications filed by the plaintiff in the present four proceedings must be dismissed.

Disposition

77 In all four proceedings presently before this court – being proceedings S128/2024, S145/2024, S155/2024 and S16/2025 – each of the plaintiff's originating applications for a constitutional or other writ is summarily dismissed as an abuse of process, pursuant to rr 25.09.3(b) and 28.01.2(c) of the *Rules*. I also dismiss each of the plaintiff's interlocutory applications in all four proceedings.

78 In proceeding S16/2025, the first, fifth, sixth, seventh, ninth, tenth, thirteenth and fourteenth defendants ("the State Defendants") filed a response, in

which they also sought several further orders (in addition to dismissal of the plaintiff's originating application).⁶⁴ Specifically, the State Defendants seek:

- (a) their costs. As the plaintiff's originating application (and each of his interlocutory applications) in this proceeding have been unsuccessful, it is appropriate that costs follow the event for those defendants who have been put to the burden of defending the plaintiff's claims. Accordingly, I order that the plaintiff pay the State Defendants' costs of and incidental to proceeding S16/2025; and
- (b) orders amending the names of the fifth, sixth and eighth defendants in proceeding S16/2026 (which were the subject of various typographical errors). I agree that these orders should be made.

Vexatious proceedings order – s 77RN of the *Judiciary Act 1903* (Cth)

79 Pursuant to s 77RN of the *Judiciary Act*, this Court has the discretionary power – including on its own initiative or on the application of certain persons⁶⁵ – to make vexatious proceedings orders, which may include an order prohibiting a person from instituting proceedings, or proceedings of a particular type, in this Court.⁶⁶

80 The plaintiff is already subject to a similar vexatious proceedings order in the Federal Court. As noted above, on 15 October 2024, Lee J delivered judgment in *Nasir v Reynolds (Vexatious Proceedings Order)*,⁶⁷ and ordered pursuant to s 37AO(2)(b) of the *FCA Act* that the plaintiff be prohibited from instituting proceedings in the Federal Court without making an application for leave to institute proceedings in accordance with s 37AR of the *FCA Act* (that order does *not* restrain the plaintiff from instituting proceedings in this Court). In doing so, his Honour relevantly observed that the plaintiff was an unfortunate example of the subset of self-represented litigants who "unrestrained by the norms regulating the professional conduct of lawyers and aggrieved by a perceived wrong, become serial litigants obsessed with seeking vindication of their position and in doing so mount, often repeatedly, arguments which would never be advanced by a responsible practitioner".⁶⁸ While recognising that a vexatious proceedings order

⁶⁴ No response or written submissions were otherwise filed by any defendants in any of the four proceedings.

⁶⁵ *Judiciary Act 1903* (Cth), s 77RN(3).

⁶⁶ *Judiciary Act 1903* (Cth), s 77RN(2)(b).

⁶⁷ [2024] FCA 1194.

⁶⁸ *Nasir v Reynolds (Vexatious Proceedings Order)* [2024] FCA 1194 at [1]-[2].

was "not to be made lightly",⁶⁹ his Honour observed that the preconditions to the discretion were satisfied, in that "[i]t is beyond any serious argument that [the plaintiff] has frequently instituted or conducted vexatious proceedings in Australian courts or tribunals".⁷⁰ His Honour went on to state that he was "amply satisfied"⁷¹ that the discretion should be exercised for three reasons:⁷²

"First, and most importantly, the expense, burden and inconvenience of the misconceived and baseless proceedings brought by Mr Nasir, and the resulting disruption caused to the efficient management of the Court's business, must be controlled. This case demands the Court's intervention to prevent the institution of meritless and repetitious applications from diverting the Court's attention and limited resources away from the resolution of legitimate and properly constituted proceedings.

Secondly, a vexatious proceedings order is necessary to protect Mr Nasir from the consequences of his own actions. There can be little doubt that Mr Nasir has wasted his time in prosecuting misconceived proceedings. Further, although I do not propose to speculate unduly, it is possible that Mr Nasir suffers from a fixation on these issues which gets worse the more he dwells on them; particularly in circumstances where I have observed a notable difference between his conduct in-Court and in his later intemperate written communications to the Registry. ...

Thirdly, in the absence of a vexatious proceedings order, I am satisfied that Mr Nasir will continue to mount misconceived and repetitious interlocutory and other proceedings, including those which seek to vindicate his allegations that the Court, Registry staff and other persons are engaged in 'collusion' or 'fraud'."

81 The recent experience of this Court with the plaintiff echoes, in many ways, that of the Federal Court. The plaintiff's conduct to date has occupied substantial time and resources of this Court and its staff. Across the present four proceedings in this Court, the plaintiff has filed over 90 documents – comprised primarily of various applications, amended applications and supporting affidavits. As explained above, all of the plaintiff's present claims arising from these documents are wholly without merit and constitute an abuse of process. The plaintiff's claims

69 *Nasir v Reynolds (Vexatious Proceedings Order)* [2024] FCA 1194 at [20].

70 *Nasir v Reynolds (Vexatious Proceedings Order)* [2024] FCA 1194 at [56].

71 *Nasir v Reynolds (Vexatious Proceedings Order)* [2024] FCA 1194 at [57].

72 *Nasir v Reynolds (Vexatious Proceedings Order)* [2024] FCA 1194 at [58]-[60] (emphasis in original).

therein are also vague, duplicative, and at times unintelligible – and often accompanied by baseless and scandalous accusations of corruption and misconduct levied against the staff and judicial officers of this Court and beyond. Moreover, beyond those documents which this Court has accepted for filing, the plaintiff also lodged in this Court:

- (a) approximately 30 further documents which a Justice of this Court directed the Registrar pursuant to r 6.07.2 of the *Rules* to refuse to file without the leave of a Justice first had and obtained.⁷³ Such directions may only be given where a document 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";⁷⁴ and
- (b) over 150 further documents of which filing was otherwise rejected for other reasons – including, for example, non-compliance with the *Rules*, or because the documents were substantially similar to a document for which a r 6.07.2 direction had been made.

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In these circumstances, while I express no concluded view, I consider this Court *may* be satisfied (particularly if the plaintiff's recent conduct continues to persist) that a further vexatious proceedings order should be made against the plaintiff under s 77RN of the *Judiciary Act*. It is a precondition to the discretion in s 77RN that this Court be satisfied that the plaintiff "has frequently instituted or

73 For completeness, I note that this includes a handful of interlocutory applications purporting to seek, in variable terms, orders providing for the plaintiff to "withdraw" and/or "discontinue". While it might have been open to this Court to accept those documents as notices of discontinuance – I instead gave r 6.07.2 directions in respect of those documents on the basis that they were abuses of process on their face. The relief sought in several of these interlocutory applications was expressed to be premised on the basis of scandalous and unsubstantiated allegations – including, for example, that this Court "participated in" or "enabled and facilitated" "gang rape" (and in that respect those applications annexed a news article dated 5 May 2022 entitled "Indian police officer accused of raping girl who reported gang rape"). Moreover, in any event, none of these interlocutory applications adequately identified which of his claims he sought to "withdraw" and/or "discontinue" (noting that the plaintiff filed multiple interlocutory applications in each of his four proceedings).

74 *Rules*, r 6.07.1. See *Re Lal* [2025] HCASJ 8 at [8]; *Re Praljak* [2025] HCASJ 1 at [23]; *Re Young* (2020) 94 ALJR 448 at 451 [10]-[11]; 376 ALR 567 at 570.

conducted vexatious proceedings⁷⁵ in Australian courts or tribunals".⁷⁶ At minimum, it is reasonably arguable that this precondition is satisfied and the discretion enlivened. While that discretion is not to be exercised lightly, it may be warranted if, for example, this Court were to be satisfied that the plaintiff's history "demonstrates his determination to persist in the pursuit of what is evidently an unfortunate obsession that serves no purpose other than to waste the Court's time and resources in order to indulge his unreasonable sense of grievance".⁷⁷

83 Accordingly, the plaintiff should consider himself warned that the filing of further vexatious applications in this Court may prompt an application, or an invitation for submissions and evidence from him,⁷⁸ on the question of whether a further vexatious proceedings order under s 77RN should be made against him.

75 A "vexatious proceeding" relevantly includes, inter alia: "a proceeding that is an abuse of the process of a court or tribunal" and "a proceeding instituted or pursued in a court or tribunal without reasonable ground": *Judiciary Act*, s 77RL.

76 *Judiciary Act 1903* (Cth), s 77RN(1)(a).

77 *Conomy v Maden* [2019] HCATrans 49 at 406-409.

78 In accordance with s 77RN(4) of the *Judiciary Act*.