

HIGH COURT OF AUSTRALIA

EDELMAN J

IN THE MATTER OF AN APPLICATION BY
SHANE WILLIAM MCWHINNEY FOR LEAVE TO
ISSUE OR FILE

[2025] HCASJ 24
Date of Judgment: 14 August 2025
M59 of 2025

ORDER

- 1. The ex parte application filed on 22 July 2025 for leave to issue or file an application for a constitutional or other writ is refused.*

Representation

The applicant is unrepresented

1 EDELMAN J. On 14 July 2025, Steward J, acting under r 6.07.2 of the *High Court Rules 2004* (Cth) directed the Registrar to refuse to issue or file Mr McWhinney's proposed application for a constitutional or other writ, without leave of a Justice of this Court. Mr McWhinney now seeks that leave.

2 Mr McWhinney's application seeks various orders concerning "the Joint Defence Space Research Facility [Pine Gap]". He seeks orders that: the Governor-General of the Commonwealth of Australia direct the Australian Defence Force to seize control of that facility; the Minister for Home Affairs manage an investigation into the activities of the seized facility; upon discovery of any breach of particular issues of international law or Australian law, the Minister for Foreign Affairs terminate an agreement between the Commonwealth of Australia and the United States relating to that facility and the "UKUSA agreement"; and upon discovery of any breach of particular issues of international law or Australian law, the Commonwealth Treasurer manage the transfer of various shareholdings on the "Australian Stock Exchange" held by various banks with the Attorney-General to manage the establishment of a perpetual trust of those shareholdings to be administered by three to five former judges of this Court with dividends to be paid to all Australian citizens on an annual basis.

3 Mr McWhinney's statement of the factual background to the proposed application for a constitutional or other writ and his statement in support of his proposed application are detailed and he has put much emotional effort and time into the preparation of his accompanying affidavit. But there is nothing in any of those materials that discloses any arguable basis for any of the relief sought. The proposed application is, on its face, "manifestly untenable" and an abuse of process within r 6.07.1 of the *High Court Rules* and should be determined without being listed for hearing and with reasons published in accordance with r 13.04 of the *High Court Rules*.¹

4 Mr McWhinney's ex parte application for leave to issue or file an application for a constitutional or other writ, filed on 22 July 2025, is refused.

1 *Re Young* (2020) 94 ALJR 448 at 451 [10]-[13]; 376 ALR 567 at 570.