

HIGH COURT OF AUSTRALIA

STEWARD J

IN THE MATTER OF AN APPLICATION BY
ALIA ALKAISI FOR LEAVE TO ISSUE OR FILE

[2025] HCASJ 34
Date of Judgment: 22 September 2025
C14 of 2025

ORDERS

1. *The application of 25 July 2025 for leave to issue or file a proposed application for a constitutional or other writ is dismissed.*

Representation

The applicant is unrepresented

1 STEWARD J. On 2 July 2025, Beech-Jones J directed the Registrar to refuse to
issue or file the applicant's application for a constitutional or other writ ("the
Proposed Application") without the leave of a Justice first had and obtained,
pursuant to r 6.07 of the *High Court Rules 2004* (Cth) ("the Rules").

2 By ex parte application made pursuant to r 6.07.3 of the *Rules* dated 5 July
2025 and filed on 25 July 2025, the applicant now seeks that leave. She relies on
three supporting affidavits, all of which were also filed on 25 July 2025. The
applicant is self-represented.

Background

3 On 6 May 2025, the applicant made an application for leave to file a
document pursuant to O 67 r 5(3) of the *Rules of the Supreme Court 1971* (WA)
("the WASC Rules") in the Supreme Court of Western Australia. That document
purported to be an ex parte application seeking injunctive relief in respect of
alleged "unlawful conduct by police officers, procedural obstruction, and
violations of [the applicant's] rights under federal law" and named the
"Commissioner of Police Western Australia the State of Western Australia" as the
respondent.

4 On 15 May 2025, the applicant attended a scheduled hearing before
Solomon J in the Supreme Court. The following day, on 16 May 2025, Solomon J
dismissed the application for leave to file the document. On 20 May 2025, the
Associate to Solomon J sent an email to the applicant, advising her that the
application had been dismissed, attaching the orders of Solomon J.

5 On 26 May 2025, the applicant sent an email to the Supreme Court to
"formally raise a complaint" about the handling of her case by the Registry. She
said:

"I followed all procedures to the best of my ability. I paid the correct
fee, received a case number, and my statement of facts was stamped filed.
I believed my matter had been accepted for filing."

6 On 27 and 28 May 2025, the applicant sent two further emails to the
Supreme Court in which she raised substantially the same matters as in her email
on 26 May 2025, further complained that her "application was dismissed without
being given the opportunity to speak or present any evidence" and requested that
the orders of Solomon J be set aside "under Rule 39" of the *WASC Rules*.¹

1 It is unclear what the applicant refers to by an application under "Rule 39" of the
WASC Rules. The only "Rule 39" in the *WASC Rules* is O 66 r 39, which pertains to
bills of costs for taxation and is not relevant for present purposes.

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7 By a letter dated 29 May 2025, the applicant purported to "formally submit [her] Application under Rule 39 of the [WASC Rules] ... seeking to set aside the Order 67 made in my matter CIV 1478 of 2025", supported by an affidavit sworn by the applicant. The applicant sent the letter and supporting affidavit to the Supreme Court as an email attachment on 30 May 2025.

8 By a letter dated 13 June 2025, a Registrar of the Supreme Court responded to the applicant's letter. The Registrar advised the applicant that "Justice Solomon's Decision was a final decision. The appropriate course of action, if you seek to set aside Justice Solomon's Decision, is to lodge an appeal." The Registrar's letter included a link to online guidance on the Supreme Court's website regarding lodging an appeal and attached copies of documents in respect of the same.

9 On or around 1 July 2025, the applicant lodged the Proposed Application in this Court. As noted above, on 2 July 2025, Beech-Jones J gave a direction in respect of the Proposed Application pursuant to r 6.07 of the *Rules*. By the present application, the applicant now seeks leave to issue or file the Proposed Application.

Proposed Application

10 By the Proposed Application, the applicant would seek eight proposed orders, which are principally directed to challenging the outcome in the Supreme Court proceeding. By proposed orders 1 and 2, the application would seek:

- "1. A writ of certiorari quashing the dismissal of CIV 1478 of 2025 made by Justice Solomon in the Supreme Court of Western Australia.
2. A writ of mandamus compelling the reinstatement of CIV 1478 of 2025."

11 By proposed orders 3 and 4, the applicant would seek declaratory relief that the orders of Solomon J "constitute[d] a denial of procedural fairness" and that the "summary rejection of the Rule 39 application... constitute[d] jurisdictional error" by the Registrar. By proposed orders 5 to 8, the applicant would seek an extension of time to file the Proposed Application; a "federal injunction" against various Western Australian entities and individuals; orders that she be provided with appropriate legal representation; and that the Proposed Application be "sealed" and remain "confidential" until it is referred to a Justice of this Court.

Leave to issue or file must be refused

12 The discretion to grant or refuse leave to issue or file a document pursuant to r 6.07.3 of the *Rules* is to be exercised with regard to the same criteria which inform the action of the Registrar under r 6.07.1. That is, leave to issue or file a document will ordinarily be refused where the document appears "on its face to be an abuse of the process of the Court, to be frivolous or vexatious or to fall outside

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the jurisdiction of the Court".² This Court may determine such applications without an oral hearing.³

13 The concept of an abuse of process is not confined to closed categories, but for present purposes it suffices to observe that it extends to "an attempt to invoke the original or appellate jurisdiction of the High Court [of Australia] on a basis that is confused or manifestly untenable".⁴

14 The Proposed Application comprises such an attempt. This is because the appropriate course of action, if the applicant seeks to challenge the orders of Solomon J – which I understand she does – is to lodge an appeal in the Court of Appeal of the Supreme Court of Western Australia.⁵ It is well-established that this Court's original jurisdiction to grant constitutional writs is not ordinarily an alternative to challenging judgments thought to be erroneous by way of appeal.⁶

15 Even as a self-represented litigant, the applicant would not be entitled to here invoke this Court's original jurisdiction by virtue of being unaware of the proper channels for appeal. But, in any event, the Registrar referred the applicant to guidance on lodging an appeal in the letter dated 13 June 2025. The applicant thus had the necessary information when she lodged the Proposed Application with the Registry of this Court on or around 1 July 2025.

16 Accordingly, the attempt by the applicant to invoke the original jurisdiction of this Court by the Proposed Application is on a basis which is confused or manifestly untenable. It follows that the Proposed Application would be an abuse of process if filed, and as such, it should not be filed.

2 *Re Young* (2020) 94 ALJR 448 at 451 [10]-[11]; 376 ALR 567 at 570. See also *Re Meyer* [2025] HCASJ 22 at [12]; *Re Lal* [2025] HCASJ 8 at [8]; *Re Praljak* [2025] HCASJ 1 at [23].

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

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

5 *Supreme Court Act 1935* (WA), s 58(1)(b).

6 *Construction Forestry Mining and Energy Union v Director of the Fair Work Building Industry Inspectorate* (2016) 91 ALJR 1 at 8 [22]; 338 ALR 360 at 367; *Nasir v Federal Court of Australia* [2025] HCASJ 21 at [32]-[33].