

# HIGH COURT OF AUSTRALIA

GORDON J

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IN THE MATTER OF AN APPLICATION BY  
ANTON TUTOVEANU FOR LEAVE TO ISSUE OR  
FILE

[2025] HCASJ 35

*Date of Judgment: 29 September 2025*

C15 of 2025

## ORDER

- 1. The ex parte application filed on 31 July 2025 for leave to issue or file an application for a constitutional or other writ is refused.*

## Representation

The applicant is unrepresented



1 GORDON J. This is an ex parte application for leave to issue or file an application  
for a constitutional or other writ against the Commonwealth of Australia.

2 On 28 July 2025, Steward J directed that, pursuant to r 6.07.2 of the *High  
Court Rules 2004* (Cth), the application for a constitutional or other writ was not  
to be issued or filed without the leave of a Justice first had and obtained by  
the applicant. This application for leave to issue or file the application is supported  
by an affidavit affirmed by the applicant on 29 July 2025. I have read  
the applicant's affidavit as well as the proposed application for a constitutional or  
other writ.

3 The proposed application for a constitutional or other writ against  
the Commonwealth of Australia states that since 7 October 2023, violent scenes in  
the Middle East have been broadcast to the world, and, though violence is being  
perpetrated by "both sides", it is apparent that one side has done disproportionate  
damage and harm to the other. The application refers to "numerous protests,  
rallies and public disruptions in reaction to this particular international conflict"  
and states that strong emotional reactions within the community and the Australian  
Government's response have motivated this "application to order  
the Commonwealth to fulfill its duty to cease alleged complicity in  
the Palestine-Israel international conflict". The balance of the application then  
states that a writ of mandamus should issue because the requisite elements are  
satisfied: there is a Commonwealth officer, a public duty and an unfulfilled  
performance, namely that the "subjects of the Commonwealth must comply with  
the criminal law", specifically Pt 5.3 of the *Criminal Code Act 1995* (Cth).

4 The relief that the applicant seeks in the proposed application for  
a constitutional or other writ is, relevantly:

- "1. The Commonwealth of Australia is to comply with the *Criminal  
Code Act 1995* (Cth) in response to the international conflict between  
the State of Israel, Palestinian territories and other Middle-Eastern  
countries as of 2025.
2. The Governor-General and AFP Minister are to specify all ***terrorist  
organisation*** [sic] in regulations made for the purposes of  
paragraph (b) of the definition of ***terrorist organisation*** in Part 5.3  
of the *Criminal Code Act 1995* (Cth).
3. The Governor-General and Minister for Foreign Affairs and Trade  
are to make regulations sanctioning all ***terrorist organisation*** [sic]  
under the *Autonomous Sanctions Act 2011* (Cth) to specifically  
comply with:

2.

- a) s 102.7 of [the] *Criminal Code Act 1995* (Cth) by ensuring subjects of the Commonwealth do not provide support to ***terrorist organisation*** [sic].
- b) s 103.1 of [the] *Criminal Code Act 1995* (Cth) by ensuring subjects of the Commonwealth do not finance ***terrorist organisation*** [sic]." (emphasis in original)

5       The ex parte application filed on 31 July 2025 for leave to issue or file an application for a constitutional or other writ must be refused. Neither the application for a constitutional or other writ against the Commonwealth of Australia, nor the applicant's supporting affidavit, discloses any rational legal argument that could support the relief sought. The claims set out in the proposed application are manifestly hopeless. Moreover, the proposed defendant, the Commonwealth of Australia, is inconsistent with paragraphs 2 and 3 of the relief sought, which identify a number of individuals in different capacities. The applicant seeks to invoke this Court's jurisdiction on a basis that is "confused or manifestly untenable",<sup>1</sup> and it would be an abuse of process if the proposed application was filed.

6       Given that a document the subject of an application under r 6.07.3 of the *High Court Rules* is to be considered "on its face",<sup>2</sup> it is implicit that the application falls to be determined without an oral hearing.<sup>3</sup> The ex parte application filed on 31 July 2025 for leave to issue or file an application for a constitutional or other writ is refused.

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

2     *High Court Rules*, r 6.07.1.

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