

HIGH COURT OF AUSTRALIA

GLEESON J

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

[2025] HCASJ 37

Date of Judgment: 3 October 2025

A19 of 2025

ORDER

- 1. The application for leave to issue or file an application for a constitutional or other writ directed to the Attorney-General for the State of South Australia is refused.*

Representation

The applicant is unrepresented

GLEESON J.

Background

1 Pursuant to r 6.07.3 of the *High Court Rules 2004* (Cth) and by application filed on 25 August 2025, Mr Groom seeks leave to have issued or filed an application for a constitutional or other writ directed to the Attorney-General for the State of South Australia ("the proposed application"). Leave is required because of a r 6.07.2 direction made by Gordon J on 15 August 2025, directing the Registrar to refuse to issue or file the proposed application without first having and obtaining the leave of a Justice of this Court. The application is supported by an affidavit of Mr Groom, also filed on 25 August 2025.

2 In addition to the leave sought, Mr Groom seeks a "[d]irection that the Court may nominate a suitable respondent, or proceed on the papers". That direction would be appropriate only if leave is granted to file the proposed application. However, for the following reasons, that leave will be refused. It follows that the requested direction should not be made.

Relevant principles

3 The discretion to refuse the leave sought is to be exercised by reference to the criteria set out in r 6.07.1, namely whether the proposed application "appears ... 'on its face' to be an abuse of the process of the Court, to be frivolous or vexatious or to fall outside the jurisdiction of the Court".¹ Implicit in the requirement that a document the subject of an application under r 6.07.3 be considered "on its face" is that such an application falls to be determined on the papers, that is, without an oral hearing.²

Consideration

4 Mr Groom seeks a variety of relief against the Magistrates Court of South Australia and the South Australian Attorney-General in relation to an intervention order made against him on 19 October 2011 by a magistrate in the Magistrates Court. In his proposed application, Mr Groom contends that the order was made without a valid sworn complaint, contrary to statutory requirements and, accordingly, the magistrate proceeded without jurisdiction.

5 Mr Groom identified Ch III of the *Constitution* and ss 30, 32 and 33 of the *Judiciary Act 1903* (Cth) as sources for this Court's jurisdiction to grant relief directed to the Attorney-General. None of these laws confer jurisdiction upon this

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

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

2.

Court to grant the relief that Mr Groom seeks in his proposed application. As the proposed application falls outside the jurisdiction of this Court, leave must be refused.

Order

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The application for leave to issue or file an application for a constitutional or other writ directed to the Attorney-General for the State of South Australia is refused.