

HIGH COURT OF AUSTRALIA

BEECH-JONES J

IN THE MATTER OF AN APPLICATION BY
ZHANYU ZHONG FOR LEAVE TO ISSUE OR FILE

[2025] HCASJ 38
Date of Judgment: 22 October 2025
M74 of 2025

ORDER

- The application for leave to issue or file the document entitled "Writ of Summons" dated 11 August 2025 is dismissed without an oral hearing.*

Representation

The applicant is unrepresented

1 BEECH-JONES J. This is an ex parte application for leave to issue or file a writ
of summons directed to the Victoria Police, the Director of Public Prosecutions of
Victoria, the Magistrates' Court of Victoria, the Supreme Court of Victoria, the
Court of Appeal of the Supreme Court of Victoria and the Attorney-General for
the State of Victoria ("the Writ").

2 On or about 11 August 2025, the applicant sought to file the Writ. On
14 August 2025, Steward J directed the Registrar of this Court to refuse to issue or
file the Writ without the leave of a Justice first had and obtained by the party
seeking to issue or file it.¹ On or about 15 September 2025, the applicant sought
that leave.

3 In support of his application for leave to issue or file the Writ, the applicant
swore and filed an affidavit dated 10 September 2025. He also relies upon two
supplementary supporting affidavits, one sworn on 15 September 2025 and
another sworn on 17 September 2025. Those two supplementary supporting
affidavits correct "typographical errors" or "clarif[y]" matters in the 10 September
2025 affidavit.

4 After a trial by jury in 2001, the applicant was convicted of incitement to
murder contrary to s 321G of the *Crimes Act 1958* (Vic).² The applicant
unsuccessfully sought leave to appeal to the Court of Appeal of the Supreme Court
of Victoria against his conviction on two occasions.³ After each refusal of leave he
unsuccessfully sought special leave to appeal to this Court.⁴ The applicant has filed
multiple petitions for mercy in relation to his conviction with the Attorney-General
for the State of Victoria, which have been refused and in respect of which the
applicant has unsuccessfully sought judicial review.⁵ He unsuccessfully sought
special leave to appeal to this Court in respect of his unsuccessful judicial review
applications.⁶ He has also unsuccessfully sought to file a writ of summons, again

1 *High Court Rules 2004* (Cth), r 6.07.2.

2 *R v Zhan Yu Zhong* (2003) 139 A Crim R 220 at 222 [6], 223 [15], 224 [17].

3 *Zhong* (2003) 139 A Crim R 220 at 221 [1], 222 [5], 227 [34]; *Zhanyu Zhong v The King* [2023] VSCA 35 at [51].

4 *Zhan Yu Zhong v The Queen* [2005] HCATrans 58; *Zhong v The King* [2023] HCASL 96.

5 *Zhong v Attorney-General* [2020] VSC 302 at [4]-[8], [10]-[11]; *Zhong v Attorney-General of Victoria* [2023] VSC 634 at [107]; *Zhong v Attorney-General of Victoria* [2025] VSCA 1 at [2].

6 *Zhong v Attorney-General of Victoria* [2025] HCADisp 88.

relating to his conviction, in this Court before.⁷ The applicant was released from custody in 2004.

5 In the Writ the applicant seeks various relief, including a "formal written apology" and an "expungement of all records, entries, and data" in relation to the applicant's conviction, and an order directing the proposed defendants to the Writ "to issue a [s]tatutory [d]eclaration ... that [the applicant was] a victim of malicious prosecution". He also seeks, inter alia, that a writ of certiorari issue to "quash all related judgments and orders arising from the void prosecution and conviction", and that the writ of mandamus issue to compel "lawful action" by the proposed defendants.

6 The applicant contends that various matters justify the grant of the relief he seeks. Inter alia, the applicant contends, or deposes to the facts, that: he was the subject of a "fabricated void charge"; there was a conspiracy on the part of the State of Victoria against the applicant such as to give rise to a violation of provisions of the International Covenant on Civil and Political Rights and the *Constitution*; the applicant was entrapped and evidence adduced against him had been fabricated; the police engaged in a "campaign of coercion"; the applicant was the subject of "[g]ender-[b]ased [p]ersecution"; "[a]ctus reus and mens rea were entirely absent"; there had been a "[j]udicial [b]reach of [s]tatutory [s]afeguards"; at various points in the appellate processes, there had been "[j]udicial [f]raud"; and there had been various, unparticularised breaches of the *Charter of Human Rights and Responsibilities Act 2006* (Vic), *Criminal Procedure Act 2009* (Vic), *Juries Act 2000* (Vic), *Evidence Act 1995* (Cth) or *Evidence Act 2008* (Vic), *Sex Discrimination Act 1984* (Cth) and the *Constitution*.

7 The discretion to refuse leave to issue or file a document will ordinarily be exercised 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 the jurisdiction of the Court".⁸ The concept of abuse of process includes "an attempt to invoke the original or appellate jurisdiction of the High Court on a basis that is confused or manifestly untenable".⁹ The exercise of the discretion to refuse leave "is appropriate only in the clearest of cases".¹⁰

7 *In the matter of an application by Zhanyu Zhong for leave to issue or file* [2023] HCATrans 98; *In the matter of an application by Zhanyu Zhong for leave to appeal* [2023] HCASL 163.

8 *High Court Rules*, r 6.07.1.

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

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

3.

8 The application and the Writ are clearly confused and manifestly untenable. The Writ includes (mostly unparticularised) assertions of what the applicant alleges to be wrongful conduct on the part of various persons or entities, some of whom are proposed defendants but others are not, and assertions of breaches of laws and treaties without any rational elaboration. It appears that the Writ seeks to reagitate matters that have long been resolved adversely to the applicant, including through the applicant's attempts to engage appellate processes. Neither the Writ nor the applicant's affidavits disclose any rational legal basis for the relief that the applicant seeks in the Writ.

9 Leave to issue or file the Writ is refused. The applicant's ex parte application is dismissed without an oral hearing.