

HIGH COURT OF AUSTRALIA

JAGOT J

IN THE MATTER OF AN APPLICATION BY
KESTER MIRANDA FOR LEAVE TO ISSUE OR
FILE

[2025] HCASJ 41

Date of Judgment: 10 November 2025
P12 of 2025

ORDER

- 1. The application filed on 28 October 2025 for a suppression order is dismissed.*

Representation

The applicant is unrepresented

1 JAGOT J. On 4 June 2025, consequential on reasons for judgment published on the same date,¹ I ordered that the applicant's ex parte application filed on 12 May 2025 for leave to issue or file a writ of summons dated 17 April 2025 is dismissed.

2 By application filed on 28 October 2025, the applicant seeks an order for the suppression of those reasons for judgment. The affidavit in support asserts that: (1) the *Privacy Act 1988* (Cth) gives the applicant "total privacy with respect to [his] personal finances"; (2) publication of the reasons for judgment would breach the applicant's privacy including his (extremely rare) name and that he had \$380,000; (3) the applicant's identity is irrelevant to the "core of [the] matter"; (4) revealing the applicant's identity would defeat the Court's fair administration of justice and place the applicant into the limelight to his great "personal detriment"; (5) the applicant needs his identity never to be mentioned by media outlets; and (6) the applicant has a genuine concern for his safety given the profit made by five of the "Big Banks", so suppressing the applicant's identity is "crucial".

3 Part XAA of the *Judiciary Act 1903* (Cth) regulates the Court's making of a suppression order or non-publication order. By s 77RD in "deciding whether to make a suppression order or non-publication order, the High Court must take into account that a primary objective of the administration of justice is to safeguard the public interest in open justice". The power to make a suppression order or non-publication order, by s 77RE(1)(a), includes the power to prohibit or restrict the publication or other disclosure of information tending to reveal the identity of or otherwise concerning any party to a proceeding. That power, however, is available only on one of the grounds in s 77RF(1). While those grounds include that "the order is necessary to prevent prejudice to the proper administration of justice" in s 77RF(1)(a) and "the order is necessary to protect the safety of any person" in s 77RF(1)(c), no part of the affidavit of the applicant in support of the application for a suppression or non-publication order provides evidence capable of establishing the existence of these grounds. The affidavit does not rise above mere assertions by the applicant or mere expressions of his own desire not to be identified in the judgment. This is insufficient to justify the making of a suppression or non-publication order given that by s 77RD, in "deciding whether to make a suppression order or non-publication order, the High Court must take into account that a primary objective of the administration of justice is to safeguard the public interest in open justice".

4 For these reasons, the application filed on 28 October 2025 for a suppression order is dismissed.

¹ *In the matter of an application by Kester Miranda for leave to issue or file* [2025] HCASJ 18.