

# HIGH COURT OF AUSTRALIA

GORDON J

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

[2025] HCASJ 44  
*Date of Judgment: 21 November 2025*  
P45 of 2025

## ORDER

- 1. The ex parte application filed on 7 November 2025 for leave to issue or file an application for special leave to appeal is refused.*

## Representation

The applicant is unrepresented



1 GORDON J. This is an ex parte application for leave to file an application for special leave to appeal from the whole of the judgment of the Court of Appeal of the Supreme Court of Western Australia given on 29 October 2020 ("the Decision").<sup>1</sup>

2 The applicant's previous application for special leave to appeal from the Decision was refused by Keane and Edelman JJ on 9 September 2021 on grounds that the appeal then foreshadowed enjoyed no prospects of success and, that being so, the applicant was refused the extension of time necessary to enable the application to proceed.<sup>2</sup>

3 On 2 July 2025, Beech-Jones J directed that, pursuant to r 6.07.2 of the *High Court Rules 2004* (Cth), the applicant's further application for special leave to appeal the Decision was not to be issued or filed without the leave of a Justice first had and obtained by the applicant. This ex parte application for leave to issue or file the further application for special leave to appeal the Decision is supported by an affidavit affirmed by the applicant on 1 October 2025. I have read the applicant's affidavit as well as the proposed application for special leave to appeal.

4 Neither the application for leave to issue or file the application for special leave to appeal nor the applicant's supporting affidavit discloses any rational legal argument that could support the grant of special leave to appeal from the Decision. The claims set out in the proposed application for special leave to appeal continue to enjoy no prospects of success. The proposed writ is vexatious on its face and should not be issued or filed.<sup>3</sup>

5 Given that a document the subject of an application under r 6.07.3 is to be considered "on its face",<sup>4</sup> it is implicit that the application falls to be determined without an oral hearing.<sup>5</sup> The ex parte application filed on 7 November 2025 for leave to issue or file the application for special leave to appeal from the Decision is refused.

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1 *WKS v Western Australia* [No 4] [2020] WASCA 178.

2 *WKS v Western Australia* [2021] HCASL 175.

3 See *High Court Rules*, r 6.07.1; *Re Young* (2020) 94 ALJR 448 at 451 [11]-[12]; 376 ALR 567 at 570.

4 *High Court Rules*, r 6.07.1.

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