

HIGH COURT OF AUSTRALIA

GORDON J

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").¹

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.²

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.³

5 Given that a document the subject of an application under r 6.07.3 is to be
considered "on its face",⁴ it is implicit that the application falls to be determined
without an oral hearing.⁵ 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.

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.