

# HIGH COURT OF AUSTRALIA

BEECH-JONES J

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

[2025] HCASJ 45

*Date of Judgment: 27 November 2025*  
A25 of 2025

## ORDER

- 1. The application for leave to issue or file the document entitled "Application for a Constitutional or Other Writ" dated 7 October 2024 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 an application for a constitutional or other writ against the Attorney-General for the State of South Australia ("the Writ").

2 On or around 7 October 2025, the applicant sought to file the Writ. On 21 October 2025, Gordon 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.<sup>1</sup> On or about that same day, the applicant sought that leave.

3 By the Writ, the applicant proposes to seek orders that declare an intervention order dated 19 October 2011 "to be unlawful and of no effect, on the basis that it was made without jurisdiction" and that "direct[] that all official and court records be corrected to reflect that the 19 October 2011 [intervention] order is invalid and void ab initio". The Writ states that "[n]o valid sworn complaint or certificate of service" was filed in support of the application for the intervention order, which the applicant contends was a requirement.

4 The reference to the 19 October 2011 "intervention order" appears to be a reference to an intervention order that was originally made against the applicant in the form of a domestic violence restraining order under the *Domestic Violence Act 1994* (SA), which was then deemed to be an intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009* (SA) ("the IO Act") when cl 37(1) of Sch 1 of the IO Act came into effect.<sup>2</sup> In 2017, the Full Court of the Supreme Court of South Australia refused the applicant permission to appeal from a decision of a single Judge of the Supreme Court of South Australia, which upheld an order made in the Magistrates Court of South Australia that dismissed the applicant's application to revoke the intervention order.<sup>3</sup> This Court has dismissed two applications made by the applicant for special leave to appeal from the Full Court's judgment. The first application for special leave to appeal was dismissed on the basis that "[t]here [was] no reason to doubt the correctness of the decision of the Full Court".<sup>4</sup> The second was dismissed on the basis, *inter alia*, that "any appeal would have no prospects of success".<sup>5</sup>

5 In support of his application for leave to issue or file the Writ, the applicant swore and filed an affidavit dated 21 October 2025. In that affidavit, the applicant

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

2 *Groom v Police* [2017] SASCFC 161 at [2], [23].

3 *Groom* [2017] SASCFC 161 at [1].

4 *Groom v Police* [2018] HCASL 90 at [1].

5 *Groom v Police* [2025] HCADisp 17 at [2].

says that "[t]he central question" that the Writ raises "is whether a State authority may lawfully restrict the [a]pplicant's liberty in the absence of a valid initiating complaint or lawful authority". In contending that he should be given leave to issue or file the Writ, the applicant relies upon the decision of this Court in *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs*<sup>6</sup> and Ch III of the *Constitution*. He says that this Court has jurisdiction in respect of the matters sought to be raised by the Writ under s 76(i) of the *Constitution*.

6 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".<sup>7</sup> 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".<sup>8</sup> The exercise of the discretion to refuse leave "is appropriate only in the clearest of cases".<sup>9</sup>

7 On the face of the Writ, it is clear that the applicant seeks to reagitate matters in respect of which he has exhausted the appellate process. Where a person has exhausted his or her avenues of appeal, "the principle of finality permits very few circumstances in which fresh litigation can be commenced ... to challenge the final judicial order either directly or indirectly".<sup>10</sup> The applicant has put forward no rational legal basis that justifies giving him another opportunity, in effect, to challenge matters that he has already unsuccessfully challenged through the appellate process. In any event, the grounds on which he proposes to seek the orders set out above have no prospects of success. It would consequently be an abuse of process to grant the applicant leave to issue or file the Writ.

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

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6 (2023) 280 CLR 137.

7 *High Court Rules*, r 6.07.1.

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

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

10 *In the matter of an application by Jean-Claude Bert for leave to issue or file* [2020] HCATrans 153 at 4, citing *D'Orta-Ekenaiké v Victoria Legal Aid* (2005) 223 CLR 1 at 17-18 [34]-[36], *Clone Pty Ltd v Players Pty Ltd (In liq) (Receivers and Managers Appointed)* (2018) 264 CLR 165 at 192 [54].