

COFFIN
v
ROY HILL IRON ORE PTY LTD & ANOR
[2025] HCADisp 277
P42/2025

1 The applicant seeks an order under s 40 of the *Judiciary Act 1903* (Cth) that
the whole of the cause pending in the Supreme Court of Western Australia
(CIV 1079/2025) be removed to this Court. Under r 26.07 of the *High Court*
Rules 2004 (Cth), this Court may make an order determining an application for
removal without listing the application for hearing and may make such order,
and publish reasons of the decision, other than in open court.

2 It is well established that this Court should only order removal of a matter
reserved for judgment in the "most exceptional case".¹ The respondents have
each applied for summary judgment or alternatively an order striking out the
whole of the pleading in the Supreme Court of Western Australia and judgment
is currently reserved on those applications. This stage of the proceeding in the
Supreme Court of Western Australia makes it inappropriate for this Court to
intervene by ordering removal of the proceeding to this Court.

3 Further, the applicant has not identified sufficient reason to warrant this
Court's intervention with the ordinary progression of the proceeding.
Accordingly, the applicant has not shown sufficient cause for the removal of
the proceeding to this Court.

4 The application for removal is refused.

Steward J
Jagot J

4 December 2025

¹ *Re Stubberfield's Application* (1996) 70 ALJR 646 at 647.