

FULTON
v
CHIEF OF THE DEFENCE FORCE & ORS
[2025] HCADisp 290
C17/2025

- 1 The applicant seeks leave to appeal from a decision of a single Justice of
this Court (Steward J) refusing an extension of time and dismissing the
applicant's application for a constitutional or other writ.
- 2 Even assuming the presence of a substantial injustice to the applicant were
the exercise of discretion of Steward J to have been in error, nothing in the
applicant's application for leave to appeal raises sufficient reason to doubt the
correctness of the decision of Steward J in order to justify the grant of leave to
appeal.
- 3 The applicant also seeks leave to rely on an affidavit sworn on
27 August 2025 in support of the application. There is no explanation for why
the evidence now sought to be adduced was not led in support of the application
before Steward J. That material would also be inadmissible on an appeal under
s 73 of the *Constitution*. Leave to adduce that evidence is refused.
- 4 Leave to appeal is refused with costs.

Gageler CJ
Gordon J
Edelman J
Gleeson J
Jagot J
Beech-Jones J

4 December 2025