

VOLKOV
v
THE KING
[2025] HCADisp 21
B63/2024

- 1 The applicant requires an extension of time within which to seek special leave to appeal from a decision of the Court of Appeal of the Supreme Court of Queensland (Bond JA, Mullins P and Crow J agreeing) refusing the applicant's application for an extension of time in which to file a second application for leave to appeal against sentence imposed in the Supreme Court of Queensland (Martin J).
- 2 The special leave application raises a question of general principle concerning the jurisdiction of an appellate court to hear a second application for leave to appeal in circumstances where the application was determined on the merits of the proposed appeal and leave was refused. However, the matter is not an appropriate vehicle through which to consider the issue because, without finally resolving the issue, the Court of Appeal determined the application on the basis that the Court did have jurisdiction.
- 3 There is also no reason to doubt the correctness of the decision of the Court of Appeal in respect of the balance of the proposed grounds of appeal. An appeal to this Court would therefore enjoy no prospects of success. Accordingly, it would be futile to grant the extension of time.
- 4 Special leave to appeal is refused.

Edelman J
Gleeson J

6 March 2025