

HIGH COURT OF AUSTRALIA

STEWARD J

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

[2025] HCASJ 14
Date of Judgment: 17 March 2025
A5 of 2025

ORDER

- 1. The application dated 21 February 2025 for leave to issue or file an application for a constitutional or other writ be dismissed.*

Representation

The applicant is unrepresented

1 STEWARD J. By application dated 21 February 2025, the applicant ("Mr Groom") seeks leave to issue or file an application for a constitutional or other writ dated 17 February 2025. By the proposed application for a constitutional or other writ, the applicant seeks relief in relation to an application for special leave to appeal, which was filed by the applicant on 11 December 2025.

Application for special leave to appeal

2 By his application for special leave to appeal, Mr Groom sought leave to appeal from part of the judgment of the Court of Appeal of the Supreme Court of South Australia handed down on 7 December 2017.¹ For present purposes, the factual and procedural history of that decision need not be set out, save that it in part concerned an application for permission to appeal from a decision of a single judge of the Supreme Court of South Australia of 23 February 2017,² upholding an order in the Magistrates Court of 30 November 2016, dismissing Mr Groom's application to revoke an intervention order made against Mr Groom. That intervention order was originally made on 19 October 2011 in the form of a domestic violence restraining order under the *Domestic Violence Act 1994* (SA), which was then deemed to be an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 *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.

3 Mr Groom's application for special leave to appeal challenged the validity of the intervention order. That application for special leave to appeal was refused by this Court on 6 March 2025.³

Proposed application for a constitutional or other writ

4 The grounds for the proposed application raised by Mr Groom include, *inter alia*: that the Registry has a duty "to ensure that matters raising fundamental jurisdictional defects are brought before the Justices for urgent consideration"; that the Registry has "failed to acknowledge or act upon the lack of an originating complaint" in relation to the intervention order; and that while the Registry had confirmed that the special leave application had been referred to the Court, "no evidence has been provided that the Justices have been made aware of the jurisdictional defect at the heart of the case". According to Mr Groom, the "jurisdictional defect at the heart of the case" is that the originating proceeding

1 *Groom v Police* [2017] SASCF 161.

2 [2017] SASC 21.

3 *Groom v Police* [2025] HCADisp 17.

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concerning the intervention order "lacks an originating complaint, or any certificate of service making all subsequent proceedings void".

5 Mr Groom seeks relief in the form of: a writ of mandamus compelling the Chief Executive and Principal Registrar of the High Court of Australia to immediately refer to the Justices of the High Court the "fundamental jurisdictional defects" in the originating proceeding and the failure of the respondents in the special leave application to file a defence; a declaration that the failure to so refer constitutes a failure of duty by the Registry; an order staying the special leave application until the jurisdictional defect is determined; and any further orders the Court deems necessary to ensure the proper administration of justice.

6 On 18 February 2025, Gordon J directed the Registrar pursuant to r 6.07.2 of the *High Court Rules 2004* (Cth) ("the Rules") to refuse to issue or file the application for a constitutional or other writ without the leave of a Justice of the Court first had and obtained.

Application for leave to issue or file

7 Mr Groom now applies for leave, pursuant to r 6.07.3 of the Rules, to issue or file his proposed application for a constitutional or other writ.

8 Mr Groom relies in this application on an affidavit sworn by him on 20 February 2025. In that affidavit, he asserts that "[t]he requirement for leave was not initially raised when my application was first submitted, nor is it explicitly mandated under any statutory provision or High Court Rule." He further states that failure to inform him of the requirement for leave has resulted in a denial of procedural fairness and undue delay in having the matter considered, and that "there is no clear legislative or regulatory provision requiring leave to be obtained in these circumstances". Mr Groom also puts forward a number of additional reasons why leave should be granted, including that his application "raises significant constitutional and legal questions concerning the administration of justice and the rule of law", as well as issues of public importance, and that to date, "no valid complaint, certificate of service, or grounds" for the intervention order issued against Mr Groom have been provided.

Consideration

9 Rule 6.07.1 of the Rules provides that if an application appears to a Registrar 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, the Registrar may seek the direction of a Justice. Rule 6.07.2 provides that the Justice may direct the Registrar to refuse to issue or file the document, without the leave of a Justice first had and obtained by the party seeking to issue or file the document. There is no merit to Mr Groom's contention that a failure to inform him of the requirement for leave has resulted in a denial of procedural fairness and undue delay, nor in his

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contention that the Rules do not require leave to be obtained in these circumstances. The Registry's referral to Gordon J of the application for a constitutional or other writ, and her Honour's subsequent direction to the Registrar to refuse to issue or file that application, was plainly in accordance with the process provided for by the Rules.

10 As for the other matters raised by Mr Groom, the discretion to refuse leave in the present application for leave to issue or file under r 6.07.3 of the Rules 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".⁴ The concept of abuse of process, which cannot be confined within closed categories, encompasses "an attempt to invoke the original or appellate jurisdiction of the High Court on a basis that is confused or manifestly untenable".⁵ Exercise of the discretion to refuse leave to issue or file a document is appropriate "only in the clearest of cases".⁶

11 It is plain on the face of the proposed application for a constitutional or other writ that Mr Groom seeks to invoke this Court's jurisdiction on a basis that is "confused or manifestly untenable". Neither the proposed application for a constitutional or other writ, nor the affidavit filed in support of the application for leave to issue or file, disclose an arguable basis for the relief sought. The claims described in the proposed application for a constitutional or other writ would be an abuse of process if the document was filed, and accordingly, should not be filed.

12 It follows that Mr Groom's application for leave to issue or file must be rejected. I direct that the application dated 21 February 2025 for leave to issue or file an application for a constitutional or other writ be dismissed without an oral hearing pursuant to r 13.03.1 of the Rules.

4 *Re Young* (2020) 94 ALJR 448 at 451 [10]-[11] per Gageler J; 376 ALR 567 at 570; see also the Rules, r 6.07.1.

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

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