

HIGH COURT OF AUSTRALIA

BEECH-JONES J

IN THE MATTER OF AN APPLICATION BY
PETER MICHAEL COFFEY FOR LEAVE TO ISSUE
OR FILE

[2025] HCASJ 4
Date of Judgment: 4 February 2025
A26 of 2024

ORDER

- The application for leave to issue or file the document entitled "Application for Constitutional Writ" dated 5 September 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 writ against the Solicitor-General for the Commonwealth.

2 On or about 5 September 2024, the applicant, Peter Michael Coffey, sought to file the application. On 18 September 2024, Gordon J directed the Registrar of this Court to refuse to issue or file that document without the leave of a Justice first had and obtained by the party seeking to issue or file it.¹ On 17 December 2024, Mr Coffey sought that leave.

3 In support of his application for leave Mr Coffey swore and filed an affidavit dated 12 December 2024. In that affidavit he refers to some of the events concerning proceedings he commenced in the Federal Court of Australia against the Secretary of the Department of Social Security in 1998. The judgment of Mansfield J in *Coffey v Centrelink*² reveals that in February 1994 Mr Coffey was charged with fraud in relation to his receipt of social security benefits but those charges were withdrawn shortly afterwards. In 1998, Mr Coffey commenced proceedings alleging that he had been maliciously prosecuted. Those proceedings were summarily dismissed in September 1998.³ An appeal from that dismissal was unsuccessful.⁴ An application for special leave to appeal to this Court was refused on 24 March 2000.⁵ An application to re-open the application for special leave to appeal to this Court was dismissed on 14 August 2002.⁶

4 The proposed application for a constitutional writ seeks an extension of time but does not identify any other forms of relief sought. It alleges that the original prosecution was "unconstitutional" as being contrary to s 80 of the *Constitution* and was otherwise the "result of a conspiracy" between a Commonwealth department and its lawyers.

5 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

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

² (2004) 79 ALD 322 at 324-325 [9]-[13].

³ *Coffey v Secretary, Department of Social Security* (1998) 54 ALD 43.

⁴ *Coffey v Secretary, Department of Social Security* (1999) 86 FCR 434.

⁵ (2004) 79 ALD 322 at 324 [9].

⁶ *Coffey v Secretary, Department of Social Security* A3/1999 [2002] HCATrans 386.

Court".⁷ 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".⁸ The exercise of the discretion to refuse leave "is appropriate only in the clearest of cases".⁹

- 6 As noted, the application sought to be filed by Mr Coffey does not identify any form of relief sought, much less any basis for granting relief against the named defendant. To the extent that the application makes allegations, it appears to seek to relitigate proceedings that have long been resolved. The application is confused and manifestly untenable. Leave to issue or file the document is refused and Mr Coffey's ex parte application is dismissed without an oral hearing.

⁷ *High Court Rules* (Cth), 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.