

HIGH COURT OF AUSTRALIA

BEECH-JONES J

IN THE MATTER OF AN APPLICATION BY
JAN MAREK KANT FOR LEAVE TO ISSUE OR
FILE

[2025] HCASJ 5

Date of Judgment: 4 February 2025

M8 of 2025

ORDER

- 1. The application for leave to issue or file the document entitled "Application for a Constitutional or Other Writ" dated 19 December 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 or other writ. For the reasons that follow, leave
should be refused.

2 On or about 19 December 2024, the applicant, Jan Marek Kant, sought to
file an application for a constitutional or other writ. On 15 January 2025,
Edelman 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 January 2025, Mr Kant sought that leave. He relies on an
affidavit that he affirmed on 16 January 2025.

3 Mr Kant's affidavit addresses the circumstances in which he unsuccessfully
sought to file an application for a constitutional or other writ dated 11 December
2024. That application sought relief against the United Nations High
Commissioner for Human Rights. His affidavit annexes an email sent from the
High Court Registry dated 17 December 2024 explaining that the application was
rejected for filing because, inter alia, it did not identify any relief that was sought,
and it was not otherwise apparent how the Court had jurisdiction against the
proposed defendant.

4 Mr Kant's application dated 19 December 2024 named the Principal
Registrar of this Court as the defendant. The application contains numerous
prayers for relief, all of which are directed to ensuring that the Principal Registrar
allows Mr Kant's application dated 11 December 2024 to be filed. However, the
application dated 19 December 2024 does not identify any arguable basis for
compelling the Principal Registrar to accept that earlier application. Instead, it
simply asserts an entitlement to various orders and sets out a chronology of various
constitutional and statutory provisions starting with the Magna Carta and
concluding with s 35(a) of the *Interpretation of Legislation Act 1984* (Vic).

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
Court".² 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".³ The exercise of the discretion to refuse leave "is
appropriate only in the clearest of cases".⁴

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

2 *High Court Rules* (Cth), r 6.07.1.

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

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

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On its face, Mr Kant's application dated 19 December 2024 is confused and manifestly untenable. Leave to issue or file the document is refused and Mr Kant's ex parte application is dismissed without an oral hearing.