

# HIGH COURT OF AUSTRALIA

EDELMAN J

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IN THE MATTER OF AN APPLICATION BY  
DEBRA ANN CROCKER FOR LEAVE TO ISSUE  
OR FILE

[2025] HCASJ 6

*Date of Judgment: 7 February 2025*

B1 of 2025

## ORDER

- 1. The ex parte application filed on 6 January 2025 for leave to issue or file an application for a constitutional or other writ is refused.*

## Representation

The applicant is unrepresented



1 EDELMAN J. This is an ex parte application filed by Ms Crocker, for leave to  
issue or file an application for a constitutional or other writ dated 16 June 2024.  
On 25 June 2024, pursuant to r 6.07.2 of the *High Court Rules 2004* (Cth),  
Steward J made a direction to the Registrar to refuse to issue or file the proposed  
application without the leave of a Justice first had and obtained.

2 It is not entirely clear what constitutional or other relief is sought by  
Ms Crocker in her proposed application for a constitutional or other writ. It seems  
that she may seek writs with the claimed effect that the Federal Court of Australia  
be "ordered": (i) "to review the fraud upon the court, the contempt in the face or  
hearing of the court", as well as the failure of an applicant in a matter to effect  
service; and (ii) "to bring the offenders to prosecution". There are also claims for  
the "Registrar of Trademark" to "strike out" a "Trademark decision" and for the  
"Minister for Centrelink" to instruct staff to "review the entirety of" Ms Crocker's  
file to locate information.

3 In Ms Crocker's affidavit in support of her application for leave to issue or  
file an application for a constitutional or other writ, she describes a series of events  
which commenced with an application which she describes as a "constitutional  
application" made by her in 2014 "seeking relief under the Copyright Act  
1968 [(Cth)] and trademark fraud". Those events, which are unnecessary to  
recount in detail, include Ms Crocker's attempts, in her words, to "defend my  
copyright for sixteen years". Those events appear to have precipitated the proposed  
application. It may be that the proposed application is brought in this Court because  
of Ms Crocker's view that, as a result of a "fraud proceeding", she has "struggled  
to bring the matter back before the Federal Court due to a vexatious litigant order",  
which Ms Crocker says was designed to prevent her "accessing [her]  
Constitutional rights via any court whatsoever".

4 In considering whether to grant leave to issue or file a proposed application,  
this Court considers, without an oral hearing and without the need to direct that the  
application for leave to issue or file be determined without listing it for hearing,<sup>1</sup>  
whether the proposed application "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".<sup>2</sup> While there are no "closed categories" of what amounts to an abuse  
of process, that concept captures attempts to invoke the jurisdiction of the Court  
on bases that are "confused or manifestly untenable".<sup>3</sup> In this case, the proposed

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1 See *High Court Rules*, rr 6.07.3, 13.03.1, 13.04.

2 *Re Young* (2020) 94 ALJR 448 at 451 [10]-[12]; 376 ALR 567 at 570.

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

2.

application is, on its face, manifestly untenable. Leave to issue or file the proposed application should be refused.

5           The order of the Court is that the ex parte application filed on 6 January 2025 for leave to issue or file an application for a constitutional or other writ is refused.