

HIGH COURT OF AUSTRALIA

EDELMAN J

IN THE MATTER OF AN APPLICATION BY
XING ZHAO FOR LEAVE TO ISSUE OR FILE

[2026] HCASJ 3

Date of Judgment: 4 March 2026

M10 of 2026

ORDER

- 1. The ex parte application filed on 2 February 2026 for leave to issue or file an application for special leave to appeal is refused.*

Representation

The applicant is unrepresented

1 EDELMAN J. On 13 January 2026, Gleeson J, acting pursuant to r 6.07.2 of the *High Court Rules 2004* (Cth), directed the Registrar to refuse to issue or file an application for special leave to appeal by the applicant without first obtaining the leave of a Justice of this Court. The applicant, Mr Xing Zhao, now seeks that leave by this ex parte application filed on 2 February 2026.

2 This ex parte application, and the proposed application for special leave to appeal, are difficult to follow. The proposed application for special leave purports to seek special leave to appeal from a judgment of the "Victoria Supreme Court" given on 24 December 2025 but there is no citation and no detail of any judgment of that court and, consequently, no basis upon which any such judgment is said to contain error. I was unable to identify any relevant decision of the Victorian Supreme Court. The applicant's complaint appears to be that a judge of a court in Geelong concluded that Mr Zhao engaged in family violence. Since the applicant refers, perhaps interchangeably, to "Mr Zhao" and "I", it might be inferred that the asserted order of a "Geelong court" was directed to the applicant. The applicant seeks orders in the proposed special leave application that the appeal be allowed and an intervention order "cancelled". After referring to the rejection of an application for "special leave to appeal" by the "Victoria Supreme [Court]" the applicant says:

"I won't apply on this court based on two reasons:

- a. The party two name last name ZHAO first name HAIXIN was changed to: last name HAIXIN first name: ZHAO.
- b. My vic sup[[]]reme account was completely hacked and password was changed by hackers."

3 Even doing the best that I can to make full allowance for the unrepresented status of the applicant, the proposed special leave application remains almost impossible to follow. It is unclear which order or orders (if any) of the Supreme Court of Victoria the applicant seeks special leave to appeal in an appeal under s 73(ii) of the *Constitution*. To the extent that the applicant seeks to have an unparticularised family violence order set aside, the information in the application reveals no arguable basis for the relief sought. The proposed application for special leave to appeal is, on its face, "manifestly untenable" and an abuse of process within r 6.07.1 of the *High Court Rules*. The ex parte application for leave to issue or file that proposed application for special leave to appeal should accordingly be refused without being listed for hearing, with these reasons published in accordance with r 13.04 of the *High Court Rules*.¹

¹ *Re Young* (2020) 94 ALJR 448 at 451 [10]-[13]; 376 ALR 567 at 570.

2.

4 The ex parte application filed on 2 February 2026 for leave to issue or file an application for special leave to appeal is refused.